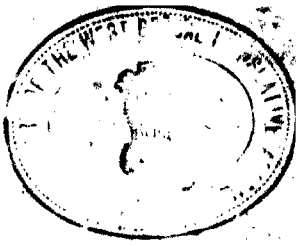

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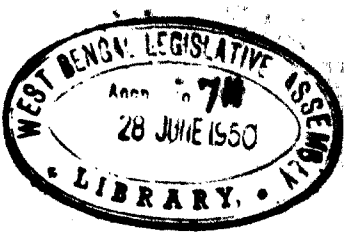

Council Proceedings

Official Report

Bengal Legislative Counci

Thirty-fifth Session, 1930

11th to 15th, 18th to 22nd, 25th and
26th August, 1930.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Sir HUGH LANSDOWN STEPHENSON, K.C.S.I., K.C.I.E., I.C.S. (Acting).

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Sir PROVASH CHUNDER MITTER, KT., C.I.E., in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.
5. Legislative.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI, KT., in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. W. D. R. Prentice, C.I.E., I.C.S., in charge of the following portfolios:—

1. **Appointment.**
2. **Political, excluding Haj Pilgrimage.**
3. **Police.**
4. **Ecclesiastical.**
5. **Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.**
6. **Judicial.**

MINISTERS.

The Hon'ble Kumar Shib Shekhareswar Ray, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

The Hon'ble Khan Bahadur K. G. M. Faroqui, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. Khwaja Nazimuddin, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja SIR MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

MR. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Thirty-fifth Session.

1. Mr. W. L. TRAVERS, C.I.E., O.B.E.
2. Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur.
3. Mr. A. F. RAHMAN.
4. Mr. BIJOY PRASAD SINGH ROY.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. M. HUTCHISON (on leave) and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY, I.S.O.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]

B

Baksh, Maulvi Shaik Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Mr. Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banarji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Blandy, Mr. E. N. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bural, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)

Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Clark, Mr. I. A. (Indian Mining Association.)
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Dain, Mr. G. R., C.I.E. (Bengal Chamber of Commerce.)
Das, Babu Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Dash, Mr. A. J. (Nominated Official.)
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Easson, Mr. G. A. (Nominated Official.)
Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Khan Bahadur K. G. M. [Minister.] [Tippera South (Muhammadan).]
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Ganguli, Rai Bahadur Susil Kumar. (Nominated Official.)
Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghosh, Rai Bahadur Shashanka Kumar, C.I.E. (Dacca University.)
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Gordon, Mr. A. D. (Indian Tea Association.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gurner, Mr. C. W. (Nominated Official.)

H

Habibullah, Nawab Khwaja. [Dacca City (Muhammadan).]
Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Hashemy, Maulvi Syed Jalaluddin. [Khulna (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hogg, Mr. G. P. (Nominated Official.)
Hopkyns, Mr. W. S., C.I.E., O.B.E. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Khan Sahib Maulvi Bazlul. [Noakhali East (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Laird, Mr. R. B. (Bengal Chamber of Commerce.)
Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Luke, Mr. N. R. (Indian Jute Mills Association.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Mitra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Mitter, the Hon'ble Sir Provash Chunder, KT., C.I.E. (Member, Executive Council.)
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)

* Deputy President, Bengal Legislative Council.

Mukharji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Nelson, Mr. J. W. (Nominated Official.)
Norton, Mr. H. R. (Calcutta Trades Association.)

O

Ordish, Mr. J. E. [Dacca and Chittagong (European).]
Ormond, Mr. E. C. [Presidency and Burdwan (European).]

P

Pinnell, Mr. L. G. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, the Hon'ble Mr. W. D. R., C.I.E. (Member, Executive Council.)

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]

Ray, the Hon'ble Kumar Shib Shekhareswar. [Minister.] (Rajshahi Landholders.)
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. Bijoy Prasad Singh. [Burdwan South (Non-Muhammadan).]
Roy, Mr. D. N., Bar-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, Mr. Shanti Shekhareswar. [Malda (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]
Rushforth, Mr. F. V. [Presidency and Burdwan (European).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarkar, Sir Jadunath, KT., C.I.E. (Nominated Non-official.)
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Sen, Mr. J. M. (Expert, nominated.)
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Smith, Mr. R. (Bengal Chamber of Commerce.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Stapleton, Mr. H. E. (Nominated Official.)

* President of the Bengal Legislative Council.

Steen, Lt.-Col. H. B., I.M.S. (Nominated Official.)
Stevens, Mr. H. S. E. (Nominated Official.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]
Sumner, Mr. C. R. (Bengal Chamber of Commerce.)

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]
Twynam, Mr. H. J. (Nominated Official.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirty-fifth Session.)

Volume XXXV.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 11th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 108 nominated and elected members.

Oaths or affirmations.

The following members made an oath or affirmation of their allegiance to the Crown:—

Mr. W. S. Hopkyns, C.I.E., O.B.E.

Mr. J. W. Nelson.

Mr. E. N. Blandy.

Babu Lalit Kumar Bal.

Maulvi Syed Osman Haider Chaudhuri.

Mr. C. R. Sumner.

Mr. H. H. Burn.

Mr. H. R. Norton.

Mr. R. Smith.

Mr. N. R. Luke.

Maulvi Shaik Rahim Baksh.

Congratulations to the Hon'ble the President.

The Hon'ble Mr. A. MARR: Before we commence the work of this Session, on behalf of the members of this House I would like to convey to you our great pleasure at the honour which His Majesty the King has bestowed upon you. (Cheers.) We all offer you our heartiest congratulations and best wishes. (Cheers.)

Maulvi ABDUL KARIM: On behalf of the Proja Party, I beg to associate myself with the observations made by the Hon'ble Mr. Marr. Such an honour was overdue and we are exceedingly glad that it has come. I need hardly say that you have discharged the onerous duties of your responsible office with such ability, tact and resourcefulness and impartiality as to have won the confidence of different parties in this House. I have had the privilege of knowing you not only in connection with this Council but also in connection with an important organization of great public utility and I have noticed the excellent qualities of head and heart that you possess and which have marked you out with an outstanding personality in Bengal and have won for you the unstinted admiration from all who have the opportunity of coming in contact with you. I am sure that there is a very useful career before you, Mr. President, and I hope and trust that you will live long.

Mr. W. L. TRAVERS: I would wish to endorse every word that fell from the lips of the Hon'ble Mr. Marr in regard to the honour which His Majesty has bestowed upon you. We, the British non-officials, consider that that honour has been earned in every sense of the word by the devoted service which you have given to this Council and to this Province.

Babu JATINDRA NATH BASU: Mr. President, I join the previous speakers in everything they have said in congratulating you.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to associate myself fully with the congratulations which have been offered to the President. The President belongs to my district and I should be failing in my duty if I do not express my sense of appreciation of the impartial manner in which he has regulated the business of the House. I wish you, Sir, long life and I hope that greater honours await you in future.

Mr. SARAT KUMAR ROY: I fully agree with everything that has been said by previous speakers and I offer you my sincerest congratulations for the honour which the Government has conferred upon you. I wish you long life.

Maulvi ABDUS SAMAD: Sir, on behalf of the Moslem League, I beg to offer my whole-hearted congratulations and I fully endorse every word that has been said by the previous speakers.

Reverend B. A. NAG: On behalf of the nominated members of this Council and particularly of the Indian Christian community which I represent I offer you our cordial congratulations.

Mr. PRESIDENT: Gentlemen of the Council, the Leader of the House has sprung upon me a surprise. I must confess that it is a very pleasant surprise. I rejoice to find that you all have greatly appreciated His Majesty the King's gracious act in conferring on me the distinction of Knighthood. I take it that I have behind me your good will and support. I also feel that your felicitations will prove to be a noble incentive to duty and help me to serve you better in future. A great thinker, I believe it was Emerson, said that there was a broad line of demarcation between pride and vanity and I can assure you with all the sincerity I possess that at the present moment my heart is filled not with vanity but with pride. I hope and trust that I shall always deserve your good wishes and that by my conduct and services I shall, for all times to come, prove myself worthy of the compliments which your spokesmen, on your behalf, have so generously paid to me, this afternoon. (Cheers.)

Obituary reference.

Mr. PRESIDENT: Gentlemen of the Council, it is my melancholy and painful duty to offer the last tribute to the memory of two past members of the Bengal Legislative Council, whose loss we have lately had to deplore.

(1) Mr. J. N. Roy, O.B.E., who died in Calcutta on the 2nd April last, was an official member of the Council in the years 1922 and 1923. After having finished his education in England, where he was called to the Bar, he joined the Bengal Civil Service in 1900. He served the late Government of Eastern Bengal and Assam and the Government of Bengal in various capacities till he became Commissioner of a Division. He was, immediately before his death, an acting member of the Public Services Commission.

(2) We have also to deplore the loss of another distinguished son of Bengal in the sudden and tragic death of the Right Hon'ble Sir Benode Chandra Mitter, P.C. This melancholy event took place in London on the 20th July last. Sir Benode was a member of the Bengal Legislative Council under the old constitution from December, 1910, till October, 1917, and was a member of the Council of State under the present constitution in the years 1921 to January, 1924. He began his career in the legal profession as a pleader at the Alipore Bar. He proceeded to England in 1895 and returned as a barrister to practise in the Calcutta High Court from 1898. He rose to eminence as a lawyer and was appointed Standing Counsel in 1910. He afterwards officiated as Advocate General and was Knighted in 1918. The highest honour in the legal profession was in store for him and he was in March, 1929, appointed a member of the Judicial Committee of the Privy Council.

He was a man of rare gifts and talent and one whom we could ill afford to lose.

I am sure that members will desire that a message of their sympathy shall be conveyed to the sons of the deceased in their sad bereavement. We offer our sincere and deep sympathy also to our friend and colleague the Hon'ble Sir Provash Chunder Mitter.

I will now ask members to endorse what I have said by kindly rising in their places.

The members having risen in their places—

Mr. PRESIDENT: Thank you, gentlemen. The Secretary will take the usual steps.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Mr. W. L. Travers, C.I.E., O.B.E.

(2) Raja Bahadur Bhupendra Narayan Sinha, of Nashipur.

(3) Mr. A. F. Rahman.

(4) Mr. Bijoy Prasad Singh Roy.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Starred Questions

(to which oral answers were given).

Road and Public Work cess collection.

*1. **Maulvi SYED MAJID BAKSH:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the total amount of road and public work cess realised in each year in each thana in the district of Burdwan, with the names of thanas, during the last 12 years; and

(*ii*) the total amount of road and public work cess realised in each year from each of the union boards of Raina and Jamalpur thanas with the names of union boards since the formation of union boards in the district?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) and (*ii*) As cesses are assessed on revenue tauzis which, in many cases, cover more than the whole or part of several thanas and as collections are made through the proprietors of such tauzis, it is not possible to supply the information wanted.

Telegraphic communication between the islands of Hatiya, Sandwip and the mainland.

*2. **Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Member in charge of the Commerce Department be pleased to state whether it is a fact that there is no telegraphic communication between the islands of Hatiya, Sandwip and the mainland?

(*b*) Are the Government aware of the great hardship and inconvenience caused thereby to the public?

(*c*) Is it a fact that the islanders submitted several memorials beseeching the Government to remove their grievances?

(*d*) Are the Government considering the desirability of recommending to the Government of India to take immediate steps to have telegraphic connections with those islands?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) Government are aware of inconvenience and of the possibility of hardship.

(*c*) No memorials have been received, but Government are aware of the desire of the local people in this matter.

(*d*) No, on account of financial stringency.

Land revenue of temporarily-settled estates.

***3. Babu SARAT CHANDRA MITTRA:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether there is any statutory enactment containing procedure for the guidance of revenue officers in revising revenue of temporarily-settled estates in Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether the attention of the Government has been drawn to the recommendation of the Joint Committee of the British Parliament (1919) regarding enactment of legislation on the said subject?

(*c*) Will the Hon'ble Member be pleased to state whether he received representations from the public to give immediate effect to the said recommendations?

(*d*) Will the Hon'ble Member be pleased to state whether he intends to give effect to the said recommendations? If so, when?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The principles on which land revenue of temporarily-settled estates in Bengal is determined are already embodied in law. The provisions in Chapter X of the Bengal Tenancy Act, Regulation VII of 1822, Regulation IX of 1825, and Act IX (B.C.) of 1847 apply to these estates. With regard to the district of Darjeeling Act VIII of 1879, read with Act X of 1859, applies.

(*b*) Yes.

(*c*) Yes.

(*d*) No.

Shooting at Mymensingh.

***4. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a copy of the report of the inquiry regarding the shooting at Mymensingh by Mr. Clayton, the Commissioner of the Dacca Division?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, were taken by the authorities at Mymensingh to give adequate medical relief to the persons shot?

(*c*) Is it a fact that the people of Mymensingh made arrangements for medical relief to the injured persons by raising public subscriptions?

(*d*) Was such arrangement necessary for want of adequate arrangement by the local authorities?

(e) Is it a fact that the District Magistrate of Mymensingh made a personal contribution to the public fund for medical relief to the wounded?

(f) Is it a fact that he received an official reprimand for making a personal contribution to that fund?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (a) No.

(b) Whatever medical relief was required was given at the hospital by the Civil Surgeon and his staff to any one who went there.

(c) Government have no information.

(d) No.

(e) Government have no information.

(f) No.

Dr. NARESH CHANDRA SEN GUPTA: Was any step taken to give medical relief to all persons who were injured?

The Hon'ble Mr. W. D. R. PRENTICE: Any one who went to the hospital was treated.

Dr. NARESH CHANDRA SEN GUPTA: That does not answer my question.

Mr. PRESIDENT: You cannot argue. If you have any more supplementary question to put, you may.

Dr. NARESH CHANDRA SEN GUPTA: I want to ask whether any arrangement was made for removing the wounded persons to the hospital?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of any.

Mr. SHANTI SHEKHARESWAR ROY: Have the Government issued any orders for the removal of persons injured by shooting?

The Hon'ble Mr. W. D. R. PRENTICE: I do not think there are any specific orders on the subject.

Mr. SHANTI SHEKHARESWAR ROY: Will the Government be pleased to consider the necessity of issuing such an order?

The Hon'ble Mr. W. D. R. PRENTICE: That is a request for action.

Mr. PRESIDENT: The question is permissible. I would remind the Hon'ble Member of the ruling which I gave on the point some time ago. One of the objects of a question may be to press for action.

The Hon'ble Mr. W. D. R. PRENTICE: I am willing to consider it.

Director of Industries.

*5. **Dr. NARESH CHANDRA SEN GUPTA:** Will the Hon'ble Minister in charge of Agriculture and Industries Department be pleased to state—

(*i*) why the officiating vacancy in the post of Director of Industries was filled up by importing an officer from outside instead of appointing an officer of the department; and

(*ii*) the special technical or other qualifications of Khan Bahadur Abdul Jalil on account of which the Government thought fit to appoint him to the post of Director of Industries in preference to other officers in the department?

MINISTER in charge of ACRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Faroqui): (*i*) It was considered that the interests of the department would be better served by importing an officer from outside instead of appointing an officer of the department.

(*ii*) The headship of the Industries Department demands administrative experience and knowledge of conditions in the mufassal rather than technical knowledge; and Government considered that the Khan Bahadur possessed these qualifications.

Dr. NARESH CHANDRA SEN GUPTA: Assuming that the department decided that the person to be appointed to the post for three months should have administrative experience and knowledge of mufassal conditions, I should like to know whether there were no other persons available with much greater administrative experience for filling the post?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: The hon'ble member is referred to the first part of the reply. I have nothing more to add.

Dr. NARESH CHANDRA SEN GUPTA: Is it a fact that a gentleman who is a much senior officer————

Mr. PRESIDENT: I do not think I can allow that question. It is of a personal character.

Dr. NARESH CHANDRA SEN GUPTA: May I ask whether there was any other officer with greater administrative experience?

Mr. PRESIDENT: That question has already been answered by the Hon'ble Minister.

Mr. NARENDRA KUMAR BASU: What was the administrative experience of this particular officer?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: The Khan Bahadur has 25 years' service at his credit. He has experience particularly in the co-operative line and in the general line too he has served with great credit. He has also great experience in the organization of cottage industries on co-operative lines. For these reasons it was thought that he would prove very useful to the department.

Mr. NARENDRA KUMAR BASU: With great respect I submit I am still waiting for an answer to my question.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I have already said he has got 25 years' service to his credit. During this period he served in various departments of Government where he showed great administrative ability.

Dr. NARESH CHANDRA SEN GUPTA: Did the Hon'ble Minister make an attempt to get hold of other officers with similar or better qualifications even in regard to cottage industries, for instance, those who may have served before as Assistant Registrars of co-operative industrial societies?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Several names were considered but he was the best possible officer available then.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether Mr. Weston, the permanent incumbent, had any knowledge of conditions in the mufassal?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: He has experience because he has been touring for so long all over the province.

Mr. SYAMAPROSAD MOOKERJEE: My question was: had he any knowledge of conditions in the mufassal.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Yes.

Mr. SYAMAPROSAD MOOKERJEE: In what respect?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: He had knowledge of the whole province because he was a touring officer.

Mr. SYAMAPROSAD MOOKERJEE: Is it the opinion of the Hon'ble Minister that the permanent incumbent————

Mr. PRESIDENT: A question must not ask for expression of opinion.

Mr. SYAMAPROSAD MOOKERJEE: Does the Hon'ble Minister think that Mr. Weston, who had no knowledge of mufassal conditions, was incompetent for the post?

Mr. PRESIDENT: That question is inadmissible and I would not allow you to put it. Surely, you cannot expect the Hon'ble Minister to answer such a question.

Mr. SYAMAPROSAD MOOKERJEE: My question is whether Mr. Weston had any mufassal experience.

Mr. PRESIDENT: The Hon'ble Minister has already answered that he had such experience.

Dr. NARESH CHANDRA SEN GUPTA: In what capacity had he that experience?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: As a touring officer and as Deputy Director of Industries he had experience of the mufassal conditions.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state whether the Department of Industries is run on the principle that executive experience is more important than technical experien[illegible]

The Hon'ble Khan Bahadur K. G. M. FAROQUI: The question is answered in the second part of my reply.

Mr. PRESIDENT: That is a question which cannot be answered off-hand. I think you had better not press that question.

Mr. W. L. TRAVERS: Will the Hon'ble Minister be pleased to give us on this side of the House an indication as to why numerous supplementary questions have been asked by Hindu members of this Council?

3-30 p.m.

Picketing and supply of liquor to vendors at Mymensingh.

***8. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state whether it is a fact that there was apprehension of a serious opposition by volunteers if any attempt was made by the Excise authorities to issue liquor from the warehouse at Mymensingh during the last disturbance?

(*b*) Is it a fact that wine merchants were reluctant to take out a supply from the warehouse but were either coerced or induced to take out a supply at the instance of officials?

(*c*) Is it also a fact that in order to ensure that the supply should be forced through in spite of the opposition of the satyagrahis, the District Magistrate was informed and the assistance of armed police was secured and that the District Magistrate and the Additional District Magistrate personally supervised the arrangements for forcing the passage of the vehicle with liquor?

(*d*) Will the Hon'ble Minister be pleased to state whether the action of the Excise officials in attempting to force a supply of liquor had his approval?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state what steps, if any, have been taken by the Government to punish the officials responsible for creating a situation involving serious consequences over a supply of intoxicants?

MINISTER in charge of AGRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) A large crowd had assembled at the warehouse in anticipation of the issue of liquor, and it was apprehended that the crowd would offer opposition to the transport of liquor.

(*b*) The wine merchants were anxious to get their ordinary supplies, since they had been without supplies from the 3rd May. It is not true that vendors were coerced or induced by officials to take their supplies of liquor.

(*c*) The warehouse had been picketed from 3rd May and licensees had been unable to obtain supplies. The local authorities arranged under the supervision of the District Magistrate and the Additional District Magistrate to give the vendors the necessary protection in transporting their supplies.

(*d*) There was no question of forcing a supply of liquor, the vendors were anxious for their supplies and they were entitled to Government protection in obtaining them from the warehouse. The Government would certainly approve of any legitimate action that the local authorities thought fit to take to provide this protection.

(*e*) Does not arise.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (*d*) " There was no question of forcing a supply of liquor——— ——."

Mr. PRESIDENT: Dr. Sen Gupta, you are again arguing.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to state whether the action of the Excise officers in attempting to force the passage of a supply of liquor has been approved by Government?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I take objection to the word " forcing ".

Dr. NARESH CHANDRA SEN GUPTA: Was not the carrying of liquor through an opposing crowd with the help of armed guards forcing the passage of liquor?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Their ordinary duty was to supply liquor to those who wanted it.

Mr. PRESIDENT: I think the Hon'ble Minister could have said whether that particular action on the part of the local authorities had or had not his approval.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: If he does not use the word " force ", I am prepared to say that Government had approved of the action.

Mr. PRESIDENT: The Hon'ble Minister cannot alter the language of the questioner, but he is at liberty to give any relevant answer he likes.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I might point out in my reply———

Mr. PRESIDENT: Order, order, you need not go into that.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to state whether he approved of the action of the Excise officers in attempting to take a supply of liquor out of the warehouse with the assistance of armed policemen even at the risk of loss of life?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I take exception to the expression "at the risk of life."

Mr. PRESIDENT: Order, order. I have not disallowed Dr. Sen Gupta's question. It stands unaltered.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: In anticipation of any opposition that might be offered, the armed guard was requisitioned.

Maulvi ABUL KASEM: May I rise on a point of order, Sir? It is the duty and responsibility of the Chair to say whether any wording or any question is objectionable or not, and it does not lie with any other member to make such remark.

Mr. PRESIDENT: You are right. From my place I have already told the Hon'ble Minister that it was not for him to take exception to any question which has not been disallowed by the Chair.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: May I rise on a point of personal explanation? I drew your attention to it.

Dacca Municipality methars' passage scheme.

*7. **Babu SATYENDRA KUMAR DAS:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state when the balance of the loan of five lakhs of rupees will be given to the Dacca Municipality for the methars' passage scheme?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): The loan will be avaliable in instalments in accordance with Budget provision and the capacity of the municipality to meet the loans charges. Rs. 80,000 of the loan was paid last year, and as requested by the municipality a provision for a further payment of Rs. 20,000 has been made in this year's budget, but no application for this instalment has yet been received.

Arambagh local board.

*8. **MUNINDRA DEB RAI MAHASAI:** (*a*) Has the attention of the Hon'ble Minister in charge of Local Self-Government Department been drawn—

(*1*) to the Inspection Note of the Arambagh local board by the District Magistrate of Hooghly, Mr. J. B. Kindersley, I.C.S., dated 11th February, 1930, in which he remarked that "The only possible salvation for this area I can see is to make the local board independent and responsible"; and

(*2*) to the proceedings of the public meeting held on 21st May, 1930, by the rate-payers of the Arambagh subdivision in which they requested the Government to declare the local board independent of the district board of Hooghly and to allot the road cess realized from that subdivision to the Arambagh local board?

(*b*) Will the Hon'ble Minister be pleased to state what action, if any, is proposed to be taken in the matter?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) (*1*) Yes.

(*2*) Yes.

(*b*) The Commissioner was asked to suggest to the district board that greater attention to this area might be desirable.

Maulvi ABUL KASEM: Will the Hon'ble Minister be pleased to state the reason for the neglect of this subdivision for so many years? Was any inquiry made by the district board to improve matters?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The inquiry should have been made by the district board.

Female prisoners convicted of picketing, etc.

*9. **Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) the nature of the accommodation and the nature of the work allotted in the central and district jails to the women prisoners convicted of picketing and other political offences; and

(*ii*) in how many jails in Bengal accommodation has been provided for women prisoners convicted of such offences?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) They are accommodated in the association wards set apart for female prisoners and are being treated according to the rules for prisoners sentenced to simple imprisonment.

(*ii*) Three.

Babu SATYENDRA NATH ROY: Will the Hon'ble Member be pleased to state what is meant by "association wards" in jails?

The Hon'ble Sir PROVASH CHUNDER MITTER: These are wards where prisoners live in association, that is, live together.

Bhanga and Chikandi Munsifs.

***10. Rai Sahib AKSHOY KUMAR SEN:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is in the contemplation of Government to abolish the munsif courts at Bhanga and Chikandi?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) when such abolition will take place; and

(*ii*) what are the grounds for such abolition?

(*c*) Is the Hon'ble Member aware that the litigant public will be greatly inconvenienced by the abolition of munsif courts at Bhanga as there is no railway connection between Faridpur and Madaripur *via* Bhanga?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Government have under consideration the general question of abolition of outlying munsifs in the Presidency and their concentration at district and subdivisional headquarters. No definite decision has yet been reached in the matter of abolition of the outlying munsifs at Bhanga and Chikandi.

(*b*) and (*c*) Do not arise.

Firing on satyagrahis picketing liquor supply at Mymensingh.

***11. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the arrangements made by the District Magistrate of Mymensingh for securing a supply of wine from the warehouse under police escort were made entirely on his own responsibility or under orders from his official superiors?

(*b*) If it was under official orders, will the Hon'ble Member be pleased to state who had given the order?

(*c*) Is it a fact that the passage of the vehicle conveying liquor was obstructed by satyagrahi volunteers lying down on the road on all sides?

(*d*) Is it a fact that orders were given by responsible Government officials to drive the vehicles over the prostrate bodies of the volunteers?

(*e*) Will the Hon'ble Member be pleased to state whether any attempt was made to take the vehicle over the bodies of volunteers?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state under what law was such order given?

(*g*) Is it a fact that as a result of such order the large crowd which had assembled round the scene grew excited?

(*h*) Is it a fact that the satyagrahis who had obstructed the passage of the wine cart were all unarmed and had done nothing except lying down and were guilty of no violence or threats of violence whatsoever?

(*i*) Is it a fact that the satyagrahi volunteers who were lying on the way were fired on by the police without their offering any provocation?

(*j*) Will the Hon'ble Member be pleased to state—

(*1*) what was the extent of the injury caused by the firing;

(*2*) against how many of those injured, any charges have been made of participating in any violent act?

(*k*) Will the Hon'ble Member be pleased to state the reason why when the resistance to the passage of the wine cart was found to be insuperable the Additional District Magistrate insisted on forcing the passage even at the risk of a serious disturbance instead of returning the cart to the warehouse and prosecuting the obstructionists?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) The arrangements were made by the local officers in the course of their normal duties.

(*c*) Yes.

(*d*) and (*e*) No. The volunteers on the ground were removed by the police.

(*f*) and (*g*) Do not arise.

(*h*) No: on the contrary volleys of brickbats were thrown at the police, many of whom were injured.

(*i*) No.

(*j*) (*1*) Twenty-seven injured, of whom one subsequently died.

(*2*) Fifteen.

(*k*) He acted in the exercise of his legal powers to disperse an unlawful assembly and in the discharge of his duty.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether it is a fact that the normal duty of the local officer is to carry out the orders of the superior officers?

The Hon'ble Mr. W. D. R. PRENTICE: No, local officers have their own duties.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (*h*), will the Hon'ble Member be pleased to state whether the volleys of brickbats were thrown by men who were lying on the ground?

The Hon'ble Mr. W. D. R. PRENTICE: Obviously not.

Dr. NARESH CHANDRA SEN GUPTA: Then, may I inquire of the Hon'ble Member what is meant by saying that volleys of brickbats were thrown by the satyagrahis who were lying on the ground?

The Hon'ble Mr. W. D. R. PRENTICE: I did not say so.

Dr. NARESH CHANDRA SEN GUPTA: Is it not a fact that the satyagrahis who had obstructed the passage of the wine cart were all unarmed and had done nothing except lying down and were guilty of no violence or threats of violence whatsoever. The answer to this is "No: on the contrary volleys of brickbats were thrown at the police, many of whom were injured."

May I take it that the Hon'ble Member thinks that brickbats were not thrown by the satyagrahis?

The Hon'ble Mr. W. D. R. PRENTICE: Certainly they did not throw the brickbats—not the satyagrahis who were lying on the ground.

Dr. NARESH CHANDRA SEN GUPTA: With regard to answer (*i*), may I ask the Hon'ble Member whether he means that it was not a fact that satyagrahi volunteers were fired at?

The Hon'ble Mr. W. D. R. PRENTICE: The answer is to the question as put.

Dr. NARESH CHANDRA SEN GUPTA: Does it mean that the Satyagrahi volunteers who were lying on the ground were not fired at?

The Hon'ble Mr. W. D. R. PRENTICE: The answer to the question is as put.

Dr. NARESH CHANDRA SEN GUPTA: With regard to the last question, the answer is that he acted in the exercise of his legal powers. Will the Hon'ble Member be pleased to state whether and for what reason the discretion of the Additional Magistrate was exercised in favour of forcing the passage even at the risk of serious disturbance instead of the other alternative of returning the cart to the warehouse and prosecuting the obstructionists?

The Hon'ble Mr. W. D. R. PRENTICE: The Additional Magistrate did this in the exercise of legal powers.

Dr. NARESH CHANDRA SEN GUPTA: What was the reason for this?

The Hon'ble Mr. W. D. R. PRENTICE: The hon'ble member has inserted words which are not there.

Mr. PRESIDENT: Dr. Sen Gupta, you can always put a supplementary question, but you are not allowed to complicate it by bringing in arguments. That is not the way to do it.

Dr. NARESH CHANDRA SEN GUPTA: The question is why was the discretion of the Additional Magistrate in exercising his legal powers exercised in favour of forcing the passage even at the risk of serious disturbance instead of returning the cart to the warehouse?

The Hon'ble Mr. W. D. R. PRENTICE: I may again point out that the District Magistrate may exercise his legal powers as he likes.

Allegation of assaults on certain gentlemen in Alipore Jail.

***12. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state the reason why, in spite of urgent request by numerous bodies and persons, no public inquiry was made into the incidents in the Alipore Jail in the course of which Mr. J. M. Sen Gupta, Mr. Subhas Chandra Bose and other political prisoners were alleged to have been severely assaulted by the jail authorities?

(*b*) Have the Government made any inquiry into the matter?

(*c*) What action, if any, has been taken as a result of the inquiry?

(*d*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the report of the inquiry?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Government were requested by a number of bodies and persons to hold a public inquiry into certain alleged incidents in the Alipore Central Jail. It appeared, however, from the joint Report of Colonel Denham-White and Dr Bidhan Chandra Roy that the allegations as to the severity of the force used against the political prisoners were grossly exaggerated and the injuries, in cases where there were any, were slight. From reports at their disposal Government were satisfied that the incidents were brought about by deliberate attempts to break jail discipline and by the refusal on the part of some of the prisoners to carry out orders which the jail authorities were entitled to pass. Government were further satisfied that the force used was justified. On the reports and information at the disposal of Government they were satisfied that there was no *prima facie* case for thinking that the jail officers had acted improperly. Government, therefore, after careful consideration decided against the holding of an inquiry particularly as such inquiry would in effect have meant trial of officers who had to act promptly in the discharge of their duties under most difficult circumstances.

(*b*) No formal inquiry was held, but reports of responsible officers were submitted to Government.

(*c*) Does not arise.

(*d*) Does not arise.

3-45 p.m.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state if it is the declared policy of Government that no inquiry should be held to see if their officers have acted promptly in the discharge of their duties?

The Hon'ble Sir PROVASH CHUNDER MITTER: There is no such declared policy; the decision on each incident must rest on its own merit.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if the reports received by Government were from the same source as the official communiqué issued on the 23rd April that Mr. Subash Chandra Bose had not been injured at all?

The Hon'ble Sir PROVASH CHUNDER MITTER: From that as well as from other sources.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether, having regard to the fact that in the joint report of Lieut.-Colonel Denham-White and of Dr. Roy it was stated that Mr. Bose had been unconscious for three hours and the previous communiqué based on the report of the Superintendent it was said that Mr. Bose was in the normal state of health and very slightly injured—whether Government place any reliance on the officer or officers responsible for inducing the Government to issue the earlier communiqué?

The Hon'ble Sir PROVASH CHUNDER MITTER: From Mr. Bose's own statement it is clear that he was guilty of violating jail discipline. The only relevant fact in this connection is whether he obeyed the orders of the Superintendent or not. From his own statement made before the District Magistrate it appears that he did not obey the order of the Superintendent. It further appears that he was being pushed back to his cell and he fell on a pucca drain; there may be a slight discrepancy as to what happened after that, but up to that point there is no conflict of testimony, the fact remains that Mr. Bose ought to have known better and ought to have gone inside the cell when he was ordered to do so.

Mr. NARENDRA KUMAR BASU: May I point out that the Hon'ble Member has not been pleased to answer my question? My question is whether Government should place any reliance upon the report of an officer who gave them a lying report?

The Hon'ble Sir PROVASH CHUNDER MITTER: It was not a lying report; it was a perfectly correct report. We have information that Mr. Narendra Kumar Basu has not and there is no discrepancy between what was stated by Dr. Roy and Colonel Denham-White and what the officer reported.

Dr. NARESH CHANDRA SEN GUPTA: Does not the Hon'ble Member think it necessary, having regard to the excitement caused in the public mind upon this matter, to share the information which he has with the public?

The Hon'ble Sir PROVASH CHUNDER MITTER: The answer is in the negative in view of the information available to Government. The Legislative Council and the public are not responsible for administration, it is only the Government that is responsible for administration.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether any definite inquiry was made as to whether—even assuming Mr. Subash Chandra Bose was in the wrong—and most grievously in the wrong—the force that was used was not in excess of the requirements of the situation?

The Hon'ble Sir PROVASH CHUNDER MITTER: In view of Mr. Subash Chandra Bose's own admission the force used was not unnecessary.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the language of the first Government communiqué stating that Mr. Subash Chandra Bose was in the same state of health and that although he tripped and fell he received no injury whatsoever, is consistent with the language used in the second Government communiqué of the 29th May embodying the report of Colonel Denham-White and Dr. Roy that Mr. Bose was suffering from the effects of a fall which was a nasty accident, followed by some hours of unconsciousness?

The Hon'ble Sir PROVASH CHUNDER MITTER: They are consistent and the reason is that Mr. Subash Chunder Bose, as admitted by both sides, did trip and fall and he was immediately attended to by a sub-assistant surgeon. He was not unconscious then and the first communiqué was issued on that information of the Superintendent and later on, on a subsequent inquiry, it was found that he became unconscious later; so it is not right to characterise the first statement as a deliberate lie.

Mr. P. BANERJI: Is it a fact that ordinary prisoners were employed to beat political prisoners with a promise of reward and subsequently their period of imprisonment was lessened by weeks and months?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not that Government are aware of.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state if he paid any visit to the jail after this?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Maulvi SYED MAJID BAKSH: Was it not his duty to do that?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, certainly not.

Maulvi SYED MAJID BAKSH: Not even in view of the great excitement that prevailed?

The Hon'ble Sir PROVASH CHUNDER MITTER: If people would place reliance on false rumours and if the member is perfectly satisfied from the information at his disposal, it is not his duty to allay the excitement of that section of the public who will believe anything and everything.

Mr. SYAMAPROSAD MOOKERJEE: Is it a fact that the Hon'ble Member had to wait for the permission of another member for visiting the jail?

The Hon'ble Sir PROVASH CHUNDER MITTER: Certainly not.

Maulvi SYED MAJID BAKSH: After what transpired, did the Hon'ble Member think it proper to pay a visit to look into the matter personally in order to satisfy himself if not anybody else?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have answered that question.

Proposal for a Munsif's Court at Chandpur or Banigram.

*13. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state what decision Government have arrived at for establishing a Munsif's Court on a hill at Chandpur or Banigram, as the case may be, for the convenience of the public?

(*b*) Is the Hon'ble Member aware that there is no proposal for carrying the Chittagong-Akyab Railway line through Anwara and Banskhali?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government do not propose to establish a munsif's court at either of these stations.

(*b*) Yes.

Arrests and convictions for sedition.

*14. **Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the months of April, May, June and July, 1930,—

(*i*) the number of persons arrested, and

(*ii*) the number of persons convicted

in this Presidency for committing the offence of sedition?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Fifty.

(*ii*) Thirty-three. The cases against 16 persons are pending.

Appointment of Namasudras to police service.

***15. Rai Sahib AKSHOY KUMAR SEN:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the years 1927, 1928 and 1929—

(*i*) how many Sub-Inspectors of Police were appointed from the residents within the Dacca Division; and

(*ii*) how many of them belong to the Namasudra community?

(*b*) Is it a fact that the Namasudras belong to a martial race?

(*c*) Has their fitness for service in the Police Department been considered?

(*d*) Are the Government considering the desirability of appointing more Namasudra police officers than in previous years?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) A statement containing the information is laid on the table.

(*ii*) One (departmental officer).

(*b*) Government have no information on the subject.

(*c*) Yes.

(*d*) Yes.

Statement referred to in the reply to clause (a) (i) of starred question No. 15 showing the number of Sub-Inspectors of Police appointed from the residents within the Dacca Division.

	Number of directly appointed sub-inspectors.	Number of departmentally promoted sub-inspectors.	Total.
Recruited for the year—			
1927 ..	8	10	18
1928 ..	8	8	16
1929 ..	11	17	28

Unstarred Questions
(answers to which were laid on the table).

Ghoshpara Road.

1. Mr. C. C. COOPER: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what action, if any, has been taken by the Road Board in the matter of the Barrackpore-Naihati-Ghoshpara Road?

(*b*) Will the Hon'ble Minister be pleased to state whether he has taken any recent steps to investigate and satisfy himself as to the present condition of the road?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state whether he is aware that the condition of the road is now so deplorable as to constitute a menace to the public safety?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The Road Board does not take any action but is an advisory body with reference to the programme for grants from the Central Road Fund to be submitted to the Government of India. The Ghoshpara Road will be included with others for discussion by the Board when it is called upon again by the Government of India to submit further recommendation.

(*b*) and (*c*) I am aware that the condition of this road is unsatisfactory.

Mr. C. C. COOPER: Will the Hon'ble Minister be pleased to state when the Road Board may be called upon again?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The Road Board meets next Saturday when the question will be taken up.

Reporting of Police cases at Jorabagan, Calcutta.

2. Rai Bahadur Dr. HARIDHAN DUTT: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact —

(*i*) that the "Reports" of all Police cases were, before 1910, heard by the Commissioner of Police, Calcutta, *openly* in the "Report Room" at Lalbazar;

(*ii*) that the "Reports" of all Police cases have, since 1910, been heard *openly* by the Deputy Commissioner of Police, South District, in the "Report Room" at Lalbazar; and

(*iii*) that the "Reports" of all Police cases were heard, since 1910, quite *openly* by the Deputy Commissioner of Police, North District, in the "Report Room" at Jorabagan?

(*b*) Will the Hon'ble Member be pleased to state why has the practice of *open* reporting of the Police cases in the "Report Room" at Jorabagan been discontinued of late?

(*c*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of restoring the original practice?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) to (*iii*) Yes.

(*b*) The practice has not been discontinued, but the space is so limited that only the parties and the pleaders appearing for the parties can ordinarily be accommodated while a particular case is under discussion.

(*c*) Does not arise.

Want of a second platform at the Jayanagar-Mazilpur station.

3. Rai Bahadur Dr. HARIDHAN DUTT: (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the Up-Train No. 305 which leaves Lakhsmikantapur at 15-36 hours stops outside the platform at the Jayanagar-Mazilpur station for entraining and detraining passengers?

(*b*) Is the Hon'ble Member aware that this arrangement is dangerous and is causing a great deal of inconvenience to the passengers, especially to women and children and aged persons?

(*c*) Are the Government considering the desirability of requesting the railway authorities to discontinue this practice and to construct another platform on the other side?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) No.

(*b*) and (*c*) These questions should be referred to the Local Advisory Committee of the railway concerned.

Presidency Magistrates' Courts in Calcutta.

4. Rai Bahadur Dr. HARIDHAN DUTT: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state what steps have been taken by the Government to give effect to the Resolution regarding the location of the Presidency Magistrates' Courts in Calcutta, which was carried by the Bengal Legislative Council on 23rd November, 1921, and what action do the Government propose to take in the matter?

(*b*) Will the Government be pleased to lay on the table the scheme which has been submitted by the Chief Presidency Magistrate or any other officer in this connection?

(*c*) Do the Government propose to provide any money in the supplementary budget of the current year or in the budget of the ensuing year for giving effect to the said Resolution or to the scheme of the Chief Presidency Magistrate?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Government considered the feasibility of erecting a Police Court building on a new site but the cost appeared to them to be prohibitive. They have, however, accepted a proposal by the Chief Presidency Magistrate for additions to and alterations in the existing Police Court building at Bankshall Street, Calcutta, for accommodating both the Central and the Jorabagan Police Courts. Administrative approval has been given to it at a cost of Rs. 76,268.

(*b*) An extract from the letter from the Chief Presidency Magistrate, Calcutta, is laid on the table.

(*c*) It has not been possible to provide any funds for the project in the current financial year and it is not proposed to make a supplementary demand for it. The question of provision of funds for the project during 1931-32 is under consideration.

Extract from the letter referred to in the reply to clause (b) of unstarred question No. 4.

No. 117, dated Calcutta, the 16th January, 1929.

From—T. J. Y. ROXBURGH, ESQ., I.C.S., Chief Presidency Magistrate, Calcutta,

To—The Secretary to the Government of Bengal, Judicial Department.

I have the honour to submit herewith plans and estimate for a revised proposal for the amalgamation of the Northern and Southern Division Courts at Bankshall Street. It appears that the question of a new building is not within the sphere of practical politics, and having decided after discussion with you to give up the idea of pressing for a new building, I have looked into the former scheme proposed by me in 1924. That scheme was definitely a temporary one, to tide over what I thought would then be a short period till the question of a new building might be considered. After that Mr. Liddell, while I was on leave, had the scheme extended by calling for estimates for general improvements to the building, but the actual scheme itself remained untouched. When I had decided to press for an alteration to the present building, in view of the impossibility of obtaining anything better, and as it appeared that the change was to be of a more

permanent character, I looked at the matter from the point of view of what could be done with a more generous estimate for expenditure. The present scheme is the result.

The main feature of the present scheme is an outside staircase to be built at a cost of some Rs. 15,000. The present inner staircase will be removed. There is provision for 10 courts with additional accommodation for the various lawyers' bars.

The estimate contains a round figure provision of Rs. 10,000, for a lift, which I do not really press for. Without this the total cost of the scheme is Rs. 53,000. In addition there will be an extra amount for electrical fittings. It will be possible to have the alterations made while the courts are sitting. I have worked a scheme out for this in detail, but do not think it necessary to burden this letter with that.

The present complaint about Bankshall Street building is that the accommodation for witnesses, etc., is in the internal well of the building which is very dark and stuffy. At Jorabagan the accommodation is worse. In the new scheme there will be the whole of rooms 1—5—6 on the first floor for waiting space, i.e., my present court room with the attached smaller room, and the present inner well. As the doors to the well will be thrown open, this part itself will be lighter than at present, and in addition there will be other two rooms which are on the outside of the building. This first floor will accommodate four courts. I propose that the Additional Chief Presidency Magistrate and two stipendiary magistrates sit there, together with one honorary magistrate.

On the top floor there is waiting space in rooms 6 and 2. Room 2 is the inner well, but on the top floor there is a skylight, and this is a bright airy part. I propose that the Chief Presidency Magistrate and one stipendiary and two honorary magistrates sit there.

On the ground floor will be the two petty case courts and the lock-up. The Superintending Engineer remarks that the principal defect of the plan is the lock-up accommodation. I think that with proper provision of fans and lights the accommodation will be quite satisfactory.

It will be seen that there is a great improvement over the present arrangements at Bankshall Street and Jorabagan and my former scheme in the accommodation for the public. The courts themselves will have minor improvements in arrangement.

At present the clerks at Bankshall Street are scattered about the building, in the new plan they are all congregated together, with the chamber of the Registrar in one place, making for good supervision. The bar libraries for barristers and pleaders both "attached" and "unattached" are all together.

* * * *

Rai Bahadur Dr. HARIDHAN DUTT: Is the Hon'ble Member aware that the House has sustained serious injuries during the last earthquake?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Period of retention of police officers at a station.

5. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the number of years for which a police officer down to the rank of Sub-Inspector of Police is generally retained in a district when he is posted there?

(*b*) Will the Hon'ble Member be pleased to state how many police officers down to the rank of sub-inspector in Bengal have been retained in one district for more than 10 years in each case?

(*c*) Is the Hon'ble Member aware that there are several police officers in Bengal who have been working in the same district from their very first appointment for more than 20 years?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No period has been prescribed for officers of the Imperial Police (save in the case of the Superintendent of Police, Darjeeling, whose tenure is limited to 2 years) or of the Bengal Police Service, or for sub-inspectors. The rules for inspectors are given in the P.R.B., Vol. I, Rule 1000(*a*).

(*b*) (*i*) None in Imperial Police or Bengal Police Service.

(*ii*) One inspector.

(*iii*) The figures for sub-inspectors are not available.

(*c*) No; as far as concerns those for whom any period has been prescribed.

Working hours for clerks in the office of the Inspector-General of Police.

6. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact—

(*i*) that the hour of departure of clerks in the Inspector-General of Police's office is 4-30 p.m. but most often they are detained in office till 8 p.m.; and

(*ii*) that the Superintendent is always in the habit of abusing assistants in filthy and discourteous language?

(*b*) Is it a fact that the Superintendent of Inspector-General of Police's office sends constables to the residence of assistants who absent themselves on account of illness, to see if they are really ill?

(*c*) Is the Hon'ble Member considering the desirability of holding a confidential inquiry into the matter by calling witnesses from among the assistants of the Inspector-General of Police's office?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Under the rules of business for Inspector-General of Police's office the hours of attendance for clerks are 10-30 a.m. to 4-30 p.m. and clerks are not ordinarily to be detained after 5-30 p.m. In emergencies some clerks may have to work later.

(*ii*) No.

(*b*) No.

(*c*) No.

Moslems in the Secretariat clerical establishment.

7. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether there is any department in the Bengal Secretariat where 33 per cent. of the appointments in the clerical and typing establishment are held by Moslems and, if so, in what department?

(*b*) What policy is followed by Government in recruiting Moslems for appointment in these two branches of the public service in the Secretariat after the 33 per cent. standard is reached?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

Thirty-three per cent. of the clerical establishment in the following departments is Moslem: (1) Chief Secretary's, (2) Education, (3) Legislative, (4) Public Works, (5) Irrigation, (6) Revenue. In the Agriculture and Industries Department and in the Legislative Department 33 per cent. of the typing establishment is Moslem.

(*b*) The member is referred to the reply given to him in answer to his unstarred question No. 108 (*b*) on the 27th March, 1930.

Arrest of picketers in the town of Kurigram.

8. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) under whose orders and on what grounds fifty-nine picketers were arrested in the town of Kurigram on the 2nd July, 1930;

(*ii*) what is the approximate age of each of those arrested;

(*iii*) was any of them released without bail?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Member be pleased to state when and on what ground they were released?

(*c*) Where were they detained until such release?

(*d*) Is it a fact that two of the arrested picketers were kicked with shoes and otherwise molested and welcomed with "shuar ka baccha" by the Inspector of Police, Kurigram, and by the Inspector of Police, Railway, Lalmanirhat?

(*e*) Is it a fact that the aforesaid treatment of the officers was immediately brought to the notice of the Subdivisional Officer by a senior member of the Pleaders' bar?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state what was the result thereof?

(*g*) Are the Government considering the desirability of instituting an inquiry into the matter and to punish those at fault.

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Under the orders of the Subdivisional Officer, Kurigram, as the picketers were obstructing the entry into and the work of the courts.

(*ii*) They varied between about 12 and 30.

(*iii*) Yes, all but 11 of the older picketers.

(*b*) About 11 p.m. the same day, on undertakings given by the guardians that the boys would not take part in political agitation in future.

(*c*) In Kurigram Sub-Jail.

(*d*) No such complaint was made.

(*e*) and (*f*) A pleader complained to the Subdivisional Officer that some picketers were being roughly handled but he mentioned no names. He was asked to file a written complaint but failed to do so.

(*g*) No.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state how picketers especially child picketers obstructed the entry of the pleaders into the courts?

The Hon'ble Mr. W. D. R. PRENTICE: I do not recollect the exact details but in several cases picketers have obstructed and blocked the paths to the courts.

Kazi EMDADUL HOQUE: Is it not a fact that child picketers merely entreated the pleaders of the Bar not to attend the courts?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Kazi EMDADUL HOQUE: With reference to answer (*c*) will the Hon'ble Member be pleased to state whether it is enjoined by law and practice to release arrested persons at 11 p.m. from jail?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know anything about that but whether people are to be released at 11 p.m. depends entirely on local conditions.

Kazi EMDADUL HOQUE: With reference to answer (*g*) will the Hon'ble Member be pleased to state if he is prepared to institute an inquiry into the matter simply for the purpose of elucidating the facts and not for the purpose of punishing those at fault?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will put in a fresh question I promise to go into that.

Use of canes or lathis to disperse boy picketers.

8. Mr. NARENDRA KUMAR BASU: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government approve of the caning and beating with *lathis* of boys of tender age committed by the police recently in Calcutta and elsewhere?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state what steps have been taken to signify their disapproval?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government approve the use of canes or *lathis* to disperse unlawful assemblies, which having been commanded to disperse fail to do so and cannot be dispersed by other means.

(*b*) Does not arise.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether Government approve of the policy of caning and beating with *lathis* boys of tender age?

The Hon'ble Mr. W. D. R. PRENTICE: I have already given a general answer to this general question.

Mr. NARENDRA KUMAR BASU: I am again repeating that question, Sir.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, the answer is as printed.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state how many members constitute an unlawful assembly?

The Hon'ble Mr. W. D. R. PRENTICE: I think five.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether his attention has been drawn to individual cases of boys being brutally assaulted by the police?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member take from me a statement that a little boy of ten————

Mr. PRESIDENT: That is no question.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be prepared to inquire into the case of brutal assault on a boy of ten near the gates of the Presidency College during the last few weeks in the presence of Government servants?

The Hon'ble Mr. W. D. R. PRENTICE: If any complaint has to be made, it may be referred to the courts.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member look into a specific case where a single boy of ten was brutally assaulted and rendered unconscious?

The Hon'ble Mr. W. D. R. PRENTICE: If the member sends me the facts I will see whether any action is necessary.

Mr. SHANTI SHEKHARESWAR ROY: May I inquire if Government have taken legal opinion in the matter whether beating people by *lathis* is permissible under the law?

Mr. PRESIDENT: I do not allow that question.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether Government approve of caning and beating with *lathis* to disperse assembly which Government consider to be unlawful or should not only just so much force be used as is necessary for this purpose?

The Hon'ble Mr. W. D. R. PRENTICE: That is always understood.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether caning or beating by *lathis* is regarded by Government as common courtesy?

The Hon'ble Mr. W. D. R. PRENTICE: No, certainly not. It is not a common courtesy.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that there is ample provision in the Criminal Law to deal with these people except by caning and beating with *lathis*?

Mr. PRESIDENT: I do not allow that question.

Use of physical force against female volunteers.

10. Mr. NARENDRA KUMAR BASU: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether any orders have been passed by the Government directing executive and police officers to refrain from assaulting women under any circumstances whatsoever?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of passing such orders?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Orders have been issued that the use of physical force against women should be avoided save as a last resort, and that when its use cannot be avoided, then only the minimum amount required for the arrest or removal of the offenders is to be used.

(*b*) Does not arise.

Realisation of fines from Calcutta Police Courts.

11. Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) what amount has been realized from the Calcutta Police Courts in the shape of fines during each of the last 5 years;

(*ii*) what amount has been spent by the Government, in the Calcutta Police Courts, in the shape of the pay of the Presidency Magistrates and establishment of the Presidency Magistrate and other expenses, during each of the last 5 years; and

(*iii*) whether there is any other criminal court in Bengal, where the amount of fines realized meets more than all its expenses?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) 1925, Rs. 2,84,350-6-9; 1926, Rs. 2,71,711-6-1; 1927, Rs. 3,20,686-14-6; 1928, Rs. 3,27,826-5-2; 1929, Rs. 4,02,111-15-6.

(*ii*) 1925-26, Rs. 2,40,093; 1926-27, Rs. 1,66,925; 1927-28, Rs. 1,95,248; 1928-29, Rs. 2,47,358; 1929-30, Rs. 2,39,910.

(*iii*) No.

4-15 p.m.

Rai Bahadur Dr. HARIDHAN DUTT: In view of the large annual income from the Calcutta Police Courts, will the Hon'ble Member be pleased to state what difficulty is there in providing for the additional sum necessary for carrying out additions and alterations to the buildings?

The Hon'ble Mr. W. D. R. PRENTICE: That expenditure comes under a different head, and if the Council sanctions expenditure for the purpose under that head, the additions and alterations can be made.

Rai Bahadur Dr. HARIDHAN DUTT: Does it not stand to reason that, when so much profit is earned from the Courts, the buildings should be improved out of it?

The Hon'ble Mr. W. D. R. PRENTICE: The profit is part of the provincial balances.

Babu SATYENDRA NATH ROY: May I ask if the Hon'ble Member personally visited the police court buildings and saw their condition himself?

The Hon'ble Mr. W. D. R. PRENTICE: No. The Hon'ble Mr. Moberly did this when the scheme was drawn up.

Moslems in the office of the Inspector-General of Registration.

12. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a statement showing the number of Upper and Lower Division assistants in the office of the Inspector-General of Registration?

(*b*) How many of them are held by Moslems?

(*c*) Is it a fact that in this office there have been cases of supersession of senior assistants with better educational qualifications by junior assistants with less educational qualifications?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the number of such cases?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Six assistants in the Upper Division; twenty-three assistants in the Lower Division.

(*b*) Six assistants in the Lower Division.

(*c*) The only cases were those of officiating appointments for short periods in which assistants having special knowledge of the work were appointed to replace officers going on leave.

(*d*) Seventeen cases of the above since January 1st, 1925.

Assessments under sections 37 (a) and (b) of the Bengal Village Self-Government Act, 1919.

13. Mr. SAILESWAR SINGH ROY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether there is any basis on which assessments under sections 37 (*a*) and (*b*) of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), are made?

(*b*) If the answer to clause (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether Government intend laying down a basis in order to do away with unnecessary objections and improper assessments?

(*c*) Are the Government considering the desirability of giving relief to persons affected by improper assessments made during the years 1929 and 1930?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The basis of assessments under section 37 of the Village Self-Government

Act lies in the Act and rules under the Act contained in Notification No. 1998 L.S.-G., dated 3rd July, 1920, of which a copy is placed on the library table.

(*b*) The question does not arise.

(*c*) Government are not aware of the alleged improper assessments, the remedy against which, if they occurred, would lie in the exercise of his powers under section 40 of the Act by the District Magistrate.

Collection of cesses from lakhiraj lands of mauza Bosho.

14. Mr. SAILESWAR SINGH ROY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that for the purpose of collection of cesses lakhiraj lands of the mauza Bosho have been included in the lakhiraj roll of the mauza Gangeshnagar within the police-station Dhaniakhali in the district of Hooghly?

(*b*) Will the Hon'ble Member be pleased to state whether it has been so done under directions from the Government?

(*c*) If the answer to (*b*) is in the negative, are the Government intending to correct such rolls and to take away therefrom such included lakhiraj lands?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*), (*b*) and (*c*) Unless the numbers of Register B, Part I of the lakhiraj lands of mauzas Bosho and Gangeshnagar are given, it is not possible to supply the information wanted.

Arrangement for the supply of liquors to dealers at Mymensingh.

15. Dr. NARESH CHANDRA SEN GUPTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state whether the Excise officials of Mymensingh had any general or special instructions to secure the supply of liquor from the warehouse to dealers even at the risk of provoking a serious disturbance, and whether they had the authority of the department to seek the assistance of armed police to force the way for the supply of liquor from the warehouse in the teeth of intense popular opposition?

(*b*) Will the Hon'ble Minister be pleased to state at whose instance the arrangement for the supply of liquor with the assistance of armed policemen and under the personal supervision of the District Magistrate or the Additional District Magistrate was made?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) No general or special instructions with regard to the supply of liquor from the warehouse at Mymensingh were issued to the local Excise officials

by the local Government, nor was it necessary that any such instructions should be issued. It was the duty of the local executive authorities to secure for the vendors the peaceful and safe transport of their supplies and in using the police force for that purpose local officers were acting in the discharge of their duty.

(*b*) The vendors were in need of supplies and the District Officer with the assistance of the Additional District Magistrate made such arrangements as appeared to them to be necessary to secure for the vendors the safe and peaceful transport of their supplies.

Investigation into the incident of firing at Mymensingh.

16. Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member in charge of the Police Department be pleased to state whether he made any personal investigation into the incident of firing at Mymensingh? If not, why not?

The Hon'ble Mr. W. D. R. PRENTICE: No. None was needed.

Certain statistics about zamindars, tenure-holders and raiyats.

17. Dr. NARESH CHANDRA SEN GUPTA: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether reliable up to date statistics are available showing—

(*i*) the total number of persons of each class in receipt of rents from lands as (1) zamindars, (2) tenure-holders of various grades, or (3) raiyats;

(*ii*) the total area of land held by raiyats, distinguishing (1) lands cultivated directly by the raiyats, and (2) lands let out to under-raiyats or bargadars;

(*iii*) the total of each class of zamindars, tenure-holders and raiyats from rent and the total amount paid by each class as rent to superior landlords or as land revenue;

(*iv*) the number of men depending exclusively on rents for their livelihood and the number in receipt of other income, and in the case of the latter class, their total income from rent and their total income from other sources?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay the figures on the table?

(*c*) If the answer to clause (*a*) is in the negative, will the Hon'ble Member be pleased to say whether he is considering the desirability of taking steps to have such statistics collected either independently or in connection with the next census?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No.

(*b*) Does not arise.

(*c*) No.

Revenue from Judicial and non-Judicial stamps and from Excise.

18. Mr. SAILESWAR SINGH ROY: Will the Hon'ble Member in charge of the Finance Department be pleased to state the amount of revenue which the Government derived during the months of January to June in the years 1927, 1928, 1929 and 1930 from—

(*a*) Judicial and non-Judicial stamps, and

(*b*) Excise?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) and (*b*) A statement is laid on the table. Figures for the month of June, 1930, are not yet available.

Statement referred to the reply to unstarred question No. 18.

(*a*)—STAMP REVENUE.

Months.	1927.			1928.		
	Non-Judicial.	Judicial.	Total.	Non-Judicial.	Judicial.	Total.
	Rs.	Rs.	Rs.	Rs	Rs.	Rs.
January ..	13,20,000	17,80,000	31,00,000	11,33,000	17,87,000	29,20,000
February ..	12,15,000	16,45,000	28,60,000	12,29,000	18,75,000	31,04,000
March ..	22,33,000	19,22,000	42,05,000	22,62,000	18,37,000	40,99,000
April ..	11,46,000	32,26,000	43,72,000	11,27,000	34,72,000	45,99,000
May ..	10,95,000	19,68,000	30,63,000	9,63,000	18,89,000	28,52,000
June ..	8,90,000	17,93,000	26,83,000	7,67,000	15,43,000	23 10,000

Months.	1929.			1930.		
	Non-Judicial.	Judicial.	Total.	Non-Judicial.	Judicial.	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
January ..	12,52,000	23,34,000	35,86,000	7,98,000	22,04,000	30,02,000
February ..	11,70,000	18,62,000	30,32,000	8,15,000	18,05,000	26,20,000
March ..	22,12,000	18,82,000	40,94,000	8,64,000	18,05,000	26,69,000
April ..	9,83,000	41,53,000	51,36,000	5,91,000	27,48,000	33,39,000
May ..	8,75,000	72,93,000	80,81,000	7,46,000	21,17,000	28,63,000
June ..	5,04,000	18,36,000	23,39,000	..	..	..

(b)—Excise Revenue.

Month.	1927.	1928.	1929.	1930.
	Rs.	Rs.	Rs.	Rs.
January ..	20,14,000	19,71,000	20,50,000	19,13,000
February ..	19,40,000	19,03,000	19,81,000	19,66,000
March ..	21,04,000	20,61,000	21,65,000	20,94,000
April ..	18,85,000	18,34,000	19,67,000	18,55,000
May ..	17,78,000	17,55,000	18,19,000	14,72,000
June ..	18,38,000	17,80,000	17,94,000	....

Posting of an I. M. S. officer as Civil Surgeon at Chittagong.

19. Haji BADI AHMED CHOWDHURY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government are considering the desirability of posting an I. M. S. officer as Civil Surgeon at Chittagong? If so, when?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It is hoped soon to have an I. M. S. officer available for Chittagong.

Action taken in respect of the reconstitution of the Licensing Board for Calcutta.

20. Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state what action has been taken by him in respect of the reconstitution of the Licensing Board for Calcutta after the discussion in the Council held on the 18th March, 1930?

MINISTER in charge of AGRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): Government are watching the working of the present Licensing Board which was appointed on the 19th April, 1929, for a period of three years. The question of its reconstitution cannot normally arise before the expiry of that period.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Minister kindly say why he gave hopes of an early reconstitution of the Licensing Board in his reply to certain speeches of the members of the Council in March last?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Would he repeat the assurance that I gave then, then I would be in a position to say what hopes were held out and not given effect to.

Nominations of candidates by Divisional Commissioners and the Inspector-General of Registration.

21. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a statement showing, year by year, separately for the last 7 years—

(*i*) the names of candidates nominated by the Divisional Commissioners and Inspector-General of Registration in the order of priority with their qualifications;

(*ii*) the names of candidates selected by Government with their qualifications?

(*b*) Is it a fact that there are many cases which show that candidates with inferior qualifications have been selected by Government to the exclusion of candidates with superior qualifications nominated by the Divisional Commissioners and Inspector-General of Registration?

(*c*) Is it a fact that the nomination of the Divisional Commissioners and the Inspector-General of Registration was more disregarded during the times of the Hon'ble Ministers than that of the Hon'ble Members?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason therefor?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) Nominations of Divisional Commissioners and of the Inspector-General of Registration are confidential and Government do not propose to disclose them.

(*ii*) Copies of notifications of the last 7 years are placed on the library table. It is not possible without undue labour to supply information regarding the qualifications of these selected candidates beyond that contained in the notifications.

(*b*) The candidates selected were considered best qualified at the time of each selection.

(*c*) Government are not prepared to give any information in regard to the extent recommendations of Divisional Commissioners and the Inspector-General of Registration were or were not followed by Government as these recommendations were confidential.

(*d*) Does not arise.

Prosecution of the book entitled "Bisher Banshi."

22. Maulvi MUHAMMAD FAZLULLAH: (*a*) Will the Hon'ble Member in charge of Political Department be pleased to state whether the book entitled "Bisher Banshi," by Kazi Nazrul Islam, has been proscribed?

(*b*) Is it a fact that this book contains a poem entitled "Fateha Doazdaham" dealing with the birth and death of the Holy Prophet which is purely a religious matter?

(*c*) Is the Hon'ble Member aware that the Mussalmans are very keen about the republication of this printed poem?

(*d*) If the answers to (*b*) and (*c*) be in the affirmative, will the Hon'ble Member be pleased to state whether Government considers the desirability of removing the ban so far as this particular poem is concerned?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) The book contains a poem entitled "Fateha Doazdaham," but Government are advised that this poem is not purely religious.

(*c*) No information has been received to this effect.

(*d*) Government will consider the question of allowing this poem to be published separately, if an application to this effect is put in.

Railway platform at Bansabati on the Bandel-Barharwa line.

23. MUNINDRA DEB RAI MAHASAI: (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that there is no raised platform at Bansabati on the Bandel-Barharwa line, East Indian Railway?

(*b*) Is the Hon'ble Member aware that Bansabati is a place of pilgrimage frequented by pilgrims and tourists throughout the year for visiting the famous shrine of Hamsesvari?

(*c*) Is the Hon'ble Member also aware that importance of Bansabati station has in recent years been increased by the starting of some jute mills within the municipality of Bansberia?

(*d*) Is the Hon'ble Member aware that for want of a raised platform the passengers, specially the females, the old and the children find it difficult and inconvenient to enter into and alight from the train?

(*e*) Is the Hon'ble Member aware that representations from the public have failed to draw the attention of the Railway authorities to the matter?

(*f*) Are the Government considering the desirability of moving the Railway authorities in this matter?

The Hon'ble Mr. A. MARR: (*a*) to (*f*) This is a subject which may suitably be referred to the Railway Advisory Committee and Government have drawn their attention to the matter.

Persons convicted of offences under the Salt Act.

24. Babu SATYENDRA NATH ROY: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the months of April, May, June and July, 1930, giving separate figures for males and females—

(*i*) the number of persons arrested; and

(*ii*) the number of persons convicted,

in this Presidency for committing offences under the Salt Act?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) and (*ii*) The total number of persons convicted of offences under the Salt Act up to the end of July was 531. The other information is not at present available.

Motion for an adjournment of the House.

Mr. PRESIDENT: Leave has been asked by Babu Satish Chandra Ray Chowdhury to move the following motion for adjournment:—

"That the business of the Council be adjourned for the purpose of discussing the situation arising out of the recent broad daylight attack by a large number of hooligans in the house of the late Babu Krishna Chandra Roy, of Jangalia, in the subdivision of Kishoreganj in Mymensingh district on the 12th July last, resulting in the murder of 10 members of his household including himself, and in serious riots with murder, arson and loot, in various places of the subdivision."

The Hon'ble Mr. W. D. R. PRENTICE: Sir, may I make one or two observations? I am rather surprised at this motion, because the gentleman who has given notice of the motion for adjournment came to me this morning along with two other members of this Council and discussed the situation with me. When he left the hon'ble member said that he was perfectly satisfied with the facts that I placed before him, viz., that we know very little of what has happened recently in Kishoreganj, and while going to send the statement that he and his friends had filed before His Excellency on Saturday to Mr. Burrows for information and for such action as he considered necessary. The

Hon'ble member went away perfectly satisfied, and as I promised I have already taken action on one or two points in connection with the representation that had been submitted. If the House is adjourned to discuss this matter, all that I can say is that with regard to most of the facts I have no information, and that the report of the District Magistrate will have to be awaited. I suggest that the adjournment of the House on this motion will be a mere waste of time so far as obtaining information on the recent happenings is concerned.

Mr. PRESIDENT: Do I take it that the Hon'ble Member objects to this motion?

The Hon'ble Mr. W. D. R. PRENTICE: Yes, Sir.

Mr. PRESIDENT: In that case, the rule requires that 30 members must rise in their places to signify their assent to the moving of this motion.

As only 28 members rose in their seats, the motion fell through.

GOVERNMENT BUSINESS.

Demands for grants.

15 B.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, on the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for the expenditure of Rs. 15,000 as a contribution under the head "15B" towards the cost of constructing a bund across the Noakhali Khal for the protection of the town of Noakhali.

Sir, the facts of the case have been set out very briefly in the memorandum, which has been circulated by the Irrigation Department to the members of this House. I believe it is common knowledge to all members of this House, and particularly to those who read their papers daily that for several years past there has been going on erosion of Noakhali town with alarming rapidity. The attack has hitherto been from three sides of the town, and many valuable Government and private buildings worth several lakhs of rupees had been destroyed. Both the Public Works Department as well as the Irrigation Department have been giving anxious attention to the best way of saving the town; and the conclusions they had arrived at till last year were that many lakhs of rupees would be required to construct any protective works to save the town and, even at that, the chances were

doubtful. And the alternative was to remove the headquarters, which again would involve an expenditure of some 15 to 20 lakhs of rupees.

The matter came to a head in October last, when a deputation from the Noakhali Town Protection Committee, consisting of a member of this House, Mr. Fazlullah, Babu Annada Charan Ray, Vice-Chairman, Noakhali District Board, and Mr. M. Obaidulla, a distinguished Engineer and Secretary of that Committee, met me at Darjeeling, and pointed out that the present erosion was being really caused by the Noakhali khal, and not so much by the Meghna, as had hitherto been the case. They regretted that Government had done nothing so far to protect the town from the grip of its present enemy, the Noakhali khal. It was then decided that the Chief Engineer, Mr. Addams-Williams should go to Noakhali, and inquire fully into the matter and submit a report to Government. In his report the Chief Engineer estimated that several lakhs of rupees would be required to give effect to the Town Protection Committee's scheme, and that before proper estimates could be prepared, it would be necessary to make an elaborate survey which might take six months or a year.

Thereafter a deputation waited on His Excellency the Governor on the 18th of December, 1929, at Government House, when it was pointed out that if the erosion were allowed to continue unchecked and nothing was done immediately, there might be no town left to save. His Excellency, therefore, was pleased to express his sympathy; and it was agreed that the district board and the municipality would submit a definite scheme through the local officers for the consideration of Government. Accordingly, the district board and the municipality submitted through the Collector and the Commissioner a scheme for the construction of a bund across the Noakhali khal at an estimated cost of Rs. 30,000. They were prepared to raise half the cost themselves, and move Government for the balance. As it was extremely urgent that the scheme should be carried out before the rains set in, in order to be at all effective, and as the local authorities were unable to proceed without a Government grant, a contribution of Rs. 15,000 had to be paid out of the current year's budget of this department. Here was a case of self-help, which deserved to be supplemented—especially in view of the fact of the urgency that was so great. Government therefore, had to sanction the money in anticipation of the Council's vote. To my mind it is the duty of Government to afford protection to a township from a foreseen natural calamity, provided that the cost was not prohibitive: secondly that there were within the township buildings, the value of which would exceed the cost of protection; and provided the local people agreed to bear a portion of the cost. As these conditions were satisfied, Government had to extend their sympathy to the people of Noakhali in this manner—particularly, as the people themselves undertook all the responsibility of this bund.

Mr. W. H. THOMPSON: Mr. President, Sir, having spent five years of my life in the Noakhali district, I cannot but be interested in this matter, and I wish to ask for an assurance from the Hon'ble Member in this connection. Noakhali is a solid piece of land, not like Bakarganj at all—it is a solid piece of land not intersected by rivers. Twenty years ago, there was a road running from Feni right round the coast to Lakhipur, with only two important openings one spanned by the bridge at Selonia, which still stands, and the other the Noakhali khal. The Selonia opening drains the bottom end of the Tippera district, and the whole of the middle of Noakhali is drained through the Noakhali khal. Now, Sir, one cannot but feel that in this matter the vocal elements are the people of Noakhali town, and that the non-vocal are the inhabitants of the village behind. Government has been prompted to take up this work of bunding the Noakhali khal partly to save its own buildings in Noakhali, and partly because such bodies as the People's Association of Noakhali, Hindus working in the town, whose interests are in the town only, have asked them to do something. I feel that this is a case in which urban and rural interests are at variance and I want an assurance from the Hon'ble Member that he has fully considered the point of view of the villagers of the land in behind, which is drained by the khal, before he has taken up a project of bunding for the sake of the people who live in a small town at its mouth.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, I can fully assure the hon'ble member that the scheme which has been taken in hand has been taken in hand entirely by the district board and the municipality of Noakhali. It is a scheme which has not been in any way supported by Government except to the extent that Government has given an indication of their great sympathy with the people who stood to lose so much. Furthermore, I can assure my friend that it is not the case that only the vocal elements of the people of the town approached Government, but the fact is that a large number of cultivators and agriculturists also approached Government—in fact, they deluged us with telegrams—saying that the construction of the bund has prevented saline water from damaging the crops and has resulted in better crops. So, it is not correct to say that this has been done purely at the request of the so-called vocal section of the people of the town. I can assure my friend that the question was whether Government should at a juncture like this be prepared to show some real sympathy to the people who were suffering, to the people who stood to lose property worth lakhs of rupees, and also whether Government should not take into consideration the safety of their own property worth lakhs of rupees.

4-30 p.m.

I may also mention that the experts of the department were of opinion that in order to prepare correct estimates a lot of time would be required. The people on the other hand clamoured to say that if nothing was done at once there would be no town left to protect. It was a case of a drowning man catching at a straw————

[The time limit for the discussion of the demand under the head "15B" having been reached the Hon'ble Member had to resume his seat.]

The motion of the Hon'ble Alhadj Sir Abdelkerim Ghuznavi was then put and agreed to.

(At 4-35 p.m. the Council was adjourned for prayer and it reassembled at 4-45 p.m.)

22.—General Administration.

The Hon'ble Mr. W. D. R. PRENTICE: On the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted under the head "22.—General Administration" for the current financial year to meet anticipated extra expenditure of Rs. 23,220 in connection with the establishment and work of the Press Officer, Government of Bengal.

The reasons for this demand have been explained in the memorandum that has been circulated, and I do not propose to add very much to what is stated therein. When the press ordinance was brought in, a complaint was made by the press that there was great difficulty in finding out what was permitted and what was not permitted. Government decided, therefore, to appoint a Press Officer, and the appointment of this officer has been most successful. He tells me that he is very busy in dealing with the various papers, and I know personally that many points of doubt are daily referred to him. He has also been very useful in the dissemination of correct information as to what is going on in the province. District officers sometimes complain that incorrect statements appear in the press, but that nothing is done to place the correct facts before the public. Arrangements have now been made with the officers of the various departments that if they think that anything incorrect has appeared in the papers they can send in correct account of the facts to the Press Officer, who will see that the correct facts go out through the various press organisations. Experience has shown so far that the appointment of this officer has met a real want of the press and of the Government, and I recommend that the Council should pass this grant.

Dr. NARESH CHANDRA SEN GUPTA: Sir, after the very bold and courageous pronouncement of Sir Provash Chunder Mitter that it is the Government who govern and not the members of the Legislative Council, after the very courageous statement that Sir Provash Chunder Mitter has made that he is not prepared to share the information that he has with the public for the purpose of allaying the feeling of a section of the public, it seems rather striking that the Government should be asking for the vote of this Council for expenditure on propaganda. Propaganda? For what purpose? To give correct information to the public. Why, if the public do not matter and the Government alone matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise to a point of personal explanation? A reference has been made to me. My explanation is that as regards matters which are confidential, Government cannot share its responsibility with the public, but as regards matters which are not confidential, Government always take the public into confidence.

Dr. NARESH CHANDRA SEN GUPTA: I am much obliged to Sir Provash for adding the rider; he did not say so in his answer to the question. However it is absolutely immaterial. Government is greatly mistaken if it takes the public to be babies to be provided with such food as the Government chooses. Does the Government seriously expect that the public will be so gullible as to accept everything they say as true? What then is the necessity of this expenditure? Well, Sir, I am perfectly sure that this grant is not meant for the purpose of disseminating correct information to the public, but for the purpose of propaganda to be carried on by the Press Officer. The propaganda is supposed to be directed against the mischievous statements of the press, and I suppose the result of this grant will be that as against that propaganda there may be other propaganda equally truthful. I would ask the members of the Council to absolutely refuse to grant money to Government for disseminating the sort of truthful literature the character of which we have discussed to a certain extent in the course of questions. Propaganda for gaining the confidence of the people, I can understand. I will have every sympathy with the Government if they want to secure the confidence of the people, but for that purpose it is not necessary to produce a quantity of literature which is useless, but to show to the people by your imagination and your action, to convince them that you want to do good to them. Government has had during the last 150 years and more in their various spheres of activity plenty of opportunities to satisfy the people that the Government exists for their good. There are numerous ways in which to satisfy the people that the Government is the friend of the people. What has Government done in those departments in which it might have done immense amount of

good to the people and earned the gratitude of the people which would have been proof against mischievous propaganda? Those departments of the Government have been starved. Take for instance the Local Self-Government Department. Take any of the transferred departments. There you will find millions of opportunities for propaganda far more effective than any propaganda of printed literature could be. Sir, having regard to that obnoxious ordinance that has brought the Press Officer into existence, having regard to the existing circumstances, I have no doubt that this Council will refuse to be a party to granting this demand; more specially when we know that there has recently been Government propaganda in other parts of the country for promoting the sale of foreign cloth. I saw years ago the propaganda carried on by Government against prohibition by publishing literature from America which went to show that America had gone bad under prohibition. All this literature was published in the *Police Gazette*. That is the sort of literature to be published by the Press Officer; we do not want this. The people of Bengal are anxious for truth, and if they cannot find it in the papers, they know how to find it out. It is absurd to believe that they will receive whatever issues under the command of the Press Officer as gospel truth. It is absolutely gratuitous and puerile on the part of Government to expect that this would lead to any good.

Mr. SHANTI SHEKHARESWAR ROY: Sir, if the Government think that an additional officer is necessary to cope with the work of exercising a stricter control over the newspapers and publications in the province, they are certainly entitled to make such arrangements as they like. The general impression, however, is that there is enough control over the press in this country. The life of a journalist is nowhere more miserable and fraught with greater risks than in India. In the mufassal, like the taxiwalla, he has to look upon every police officer as his master. In writing for his paper he has to be careful not to offend the susceptibilities of the local authorities who can inflict upon him any amount of trouble. So the addition of another master can make very little difference to him. On the other hand, if the new master happens to be a sympathetic officer I think he can render much useful help to the journalists. More often than not editors of newspapers find themselves in the meshes of the law unwittingly, and without any real intention to embarrass the Government. I hope the new officer will be helpful in clearing up a good deal of misunderstanding. But so far as the other part of his duties is concerned—I refer to his position as the official propagandist—the matter must be considered from a wider outlook. It is true, wonderful results can be achieved by propaganda, but such propaganda must be well directed, otherwise it may do more harm than good. I am afraid permanent officials of the Government likely to be appointed to the post are not very good hands at this sort of work. I need only draw attention to the discomfiture of the

Bombay Government in connection with a similar enterprise, and I hope the Government of Bengal will profit by the lesson. In this connection I have a suggestion to place before the House. I beg to urge that a Publicity Board may be constituted with a view to help the Press Officer. During the last war, Publicity Boards were established in many places and a certain amount of good work was done by these bodies. I believe at present there is a Publicity Board in the Punjab, consisting mainly of non-officials who help the Government in this rather delicate task. I think with the services of such a Board at the disposal of the Government, the chances for misunderstanding and misdirected efforts will be minimised. If, however, the Government do not find my suggestion acceptable, I would ask the House to refuse the grant and save the Government from being involved in unnecessary complications in the future as well as prevent them from wasting good money in these hard times.

4-45 p.m.

MUNINDRA DEB RAI MAHASAI: Sir, I rise to oppose this grant. In doing so, I should like to make a few observations on the principle underlying the demand. This Council had nothing to do with the promulgation of the Indian Press Ordinance, 1930. The ordinary law of the land was, we think, sufficient to cope with the evil. We, as accredited representatives of the people, would be failing in our duty we owed to our constituency and the country, if we agreed to the demand just made. Before the Council approved the demand, it must be convinced that the money spent over propaganda on behalf of Government should serve any useful purpose. People, in general, have lost all faith in the *bona fides* of the Government. If propaganda meant the usual whitewashing of official misdeeds, the money spent over it would be mere waste of public funds. Acts like the impeachment of Warren Hastings and the death sentence of Governor Walls helped in no small measure to enhance the reputation of the British nation for even-handed justice, irrespective of high rank, position and wealth. But those days have long passed away. Whitewashing of the misdeeds of the servants of the Crown from the highest officials down to the lowest constabulary has become the order of the day. Propaganda to cloud the real issues, to shield the offending officials and to distort the real truth if resorted to for the protection of the officialdom from public criticism, would defeat the very object for which the money would be spent. This would not be the proper remedy for the trouble. It was high time for the Government to take stock of the realities of the situation, to have a broader outlook of things and to view them from a higher angle of vision than they have hitherto done. They should realise that the setting up of a propaganda machine over and above the existing machinery of Government can neither remove the prevailing distrust nor win the support of the people.

Babu JATINDRA NATH BASU: I rise to oppose this grant. It is not the first time that a remedy like this has been sought to be applied for the purpose of meeting contingencies like those with which we are faced at present, either in this country or in other countries. We all know that the measures that were taken in 1909 served only to drive discontent underground and to spread the evil. Then we had a few thousand persons here and there disaffected, but we have now several millions that are so disaffected. In judging of ordinary human conduct, when people are annoyed or irritated we allow them to ventilate their grievances in their own way. So far as one can judge from what the Press Officer has done during the little time that he has been in office he has been practically to stop the publication of several newspapers. That by itself naturally causes grievance and a deep sense of resentment amongst the public who have subscribed to those newspapers or have to have recourse to them for the purpose of obtaining news. People feel as if there is an attempt to stifle the spread of news. There are wild rumours flying about of various sorts of misdeeds being done by the Government executive but there is no newspaper to tell people what the actual facts are. Even if there is unjust criticism we should stand it without any harm. Government cannot ignore the ordinary rules of human conduct and indirectly stifle dissemination of news, and what is more important expression of opinion, however adverse that opinion may be to Government. I think, Sir, that the appointment of a Press Officer at the present juncture and the method adopted by the Press Officer for controlling the press have been such as to impress the public with the belief that the Press Officer is unnecessary at the present moment. I, therefore, oppose the motion.

Mr. NARENDRA KUMAR BASU: Sir, I also rise to oppose this motion. The memorandum which has been circulated to members says that the appointment of the Press Officer has become necessary in order to make reliable news available, getting into touch with newspapers and other publications concerned with politics, watching them and warning publishers and editors and keepers of presses when necessary, bringing to the notice of Government cases in which orders for security under the Ordinance might be required and generally dealing with all cases under the Press Ordinance. I submit to the Council that all these functions of watching and spying on newspapers and making reports to Government may very well be done by the ordinary officers and an additional officer is not required for these purposes. I do not know, nor have the Council been told, whether ordinary officers have been found wanting in the discharge of those duties. If, of course, it is necessary to find a cushy job for a member of the "steel frame," that is a very different matter, but that had better be given out and the Council asked to vote for the appointment for the purpose frankly. Then, as regards propaganda to counteract the bad effect of the mass propaganda against

Government, previous speakers have already pointed out what sort of publicity work Government does and what Government says in communiqués which are contradictory to each other but which do not between themselves tell the truth. However, it seems to me that the propaganda that is said to be needed amongst the people by means of anonymous leaflets has been in certain cases that have been shown, to do more harm to the Government cause than leaving things alone. I therefore agree with the previous speaker that this Council having had no part in the promulgation of the Indian Press Ordinance and the constituencies all over the country being against that promulgation, it is our bounden duty in the interests of the country and our constituents to oppose this demand.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, there is a considerable amount of misunderstanding in regard to this matter. It is not a question whether this Council is responsible for the Press Ordinance or not, it is a question of dealing with the situation that has arisen since the promulgation of the Press Ordinance. This officer was appointed mainly at the request of journalists themselves who said that owing to this Ordinance they were in difficulties, as they did not know what they could publish and what they could not. That was the primary reason for appointing an officer, namely to help the press.

One of the speakers has said that one of the results of his appointment has been the stoppage of the publication of various papers. That is entirely wrong. As we all know, practically all the orders for giving security were passed before the officer was appointed, and since the appointment was made, I think I am correct in saying, there has only been one case in which an order has been passed: and I may say that the smallness of the number of cases in which the order has been passed is entirely due to the existence of the Press Officer. All the newspaper editors who were in difficulty owing to their policy have been most assiduous in coming to the Press Officer and saying: "Can we publish this? Will that be allowed?" It is owing to the efforts of the Press Officer that more papers are in existence than would have been had he not been appointed.

Dr. Sen Gupta has referred to the necessity of getting truthful information. I do not suppose he will believe me, but that is our idea in appointing the officer. Many of the correspondents who send in news have no clear idea of truth and when the news editors or officials of newspapers come round to the Press Officer and the real facts are shown them, they have no hesitation whatever in correcting the accounts sent in. Our sole object is to get the truth published. For untruth is one of the most dangerous things in Bengal now. Take Dacca for instance. What was the cause of the looting of villages outside Dacca? It was because a false report was given out that Government

had sanctioned it. That was also the cause of the Kishoreganj riots. A dying Muhammadan Proja at Kishoreganj said: "Ami British Governmenter proja: Dohai, British Government." This Press Officer has been appointed in order that the truth may be published and the dissemination of false reports put a stop to.

Mr. Basu has referred to some communiqués issued in connection with jail matters in which, he says, contradictory reports had been published. I think that this has already been fully dealt with by my honourable colleague, but in any case it is not relevant as the Press Officer was appointed long after these communiqués were published, and it is not fair to blame him for anything that is incorrect in these reports.

Another speaker has said that he will vote against this demand if I do not accept his suggestion for a Publicity Board. Government have already proceeded on these lines. It is impossible to have a real active Publicity Board for Bengal, as you cannot expect, in a province of this size, to bring together members from different parts frequently to consider matters for publicity. But what Government have done is to write down to the District Officers to try and get together as many people as they can to form local committees and find out what the actual facts are and then issue a true account.

Another point made by another speaker was that the Transferred Side was being starved and that was being done in the interests of the brutal executive in order to provide a *khushi* job for a member of the "steel frame." Well, that is, of course, entirely wrong. The appointment was unanimously approved by Government on both sides and Ministers were as keen on having this officer for getting correct facts regarding the departments in their charge as were members on the Reserved Side.

5 p.m.

I hope, therefore, that the Council will realise that this officer has been appointed to help the press and that the press recognise the help that he does give them and that in the interests of truth and for the dissemination of correct information in the province Government on both sides are united in asking the Council to provide this money.

Dr. NARESH CHANDRA SEN GUPTA: With reference to the false rumours at Dacca and Kishoreganj will the Hon'ble Member be pleased to explain how the Press Officer can counter the false reports while the District Officers cannot do that?

The Hon'ble Mr. W. D. R. PRENTICE: I was not talking about the Press Officer doing that. I was discussing generally the desirability of improving the standard of truth in publications in Bengal and pointing out that in this respect the appointment of a Press Officer will be of great help to the province.

The motion of the Hon'ble Mr. W. D. R. Prentice was then put and a division taken with the following result:—

AYES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Basir Uddin, Maulvi Mohammed.
Blandy, Mr. E. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Naji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. T. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Gain, Mr. G. R.
Dash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sueil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Haque, Khan Bahadur Maulvi Azizul.
Hegg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Saziul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, the Hon'ble Kumar Shib Shekhareswar.
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. E.
Stevens, Mr. H. S. E.
Sumner, Mr. C. R.
Travers, Mr. W. L.
Twynam, Mr. H. J.

NOES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Choudhury, Maulvi Nurul Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Guha, Babu Protulla Kumar.
Hoque, Kazi Emdadul.
Law, Mr. Surendra Nath.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Seth Hanuman Prosad.
Rakhit, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemoni.
Ray, Babu Haribansa.
Roy, Babu Satyendra Nath.
Ray, Mr. Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sinha, Raja Bahadur Bhupendra Narayan of Nashipur.
Sircar, Dr. Sir Nilratan.

The Ayes being 66 and the Noes 34 the motion was carried.

25.—Jails and Convict Settlements.

The Hon'ble Sir PROVASH CHUNDER MITTER: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 10,43,500 be granted under the head "25.—Jails and Convict Settlements" to meet essential items of expenditure during the current financial year.

Details of this expenditure have been set out in the printed paper that has been circulated to members. It will appear from the paper so circulated that half the amount, namely, over Rs. 5 lakhs is due to the expenditure on dietary. Particulars of other charges have also been shown in that paper. As there is no motion for a substantial reduction I do not think I need go further as to the necessity for the amount for which I move.

There are no doubt a number of token cuts but it would be more convenient and it would save the time of the House if I dealt with them after hearing the reasons of the movers who have given notice of them.

There is however one point which I should like to mention at this stage with regard to the motions for token cuts. Members are aware that under section 72D of the Government of India Act if this demand is reduced by Re. 1 Government cannot exceed the expenditure without coming to the Council again. If, in the meantime, on account of a large influx of prisoners into our jails, it becomes necessary to incur expenditure His Excellency the Governor has the right to authorise expenditure for carrying on, but one of the consequences of the exercise of that power would be that it may be difficult for Government to recommend to His Excellency the Governor to provide more money than is absolutely necessary. This will result in serious reduction in the number of Division I and Division II prisoners, though the members of this House are so anxious to increase the number of these prisoners. This will happen not because Government are unwilling to place them according to their standard of life but because the Council will preclude Government from doing so. Then, in such a case, the responsibility for such a contingency, if it arises, will be with those who actually vote in favour of the token cuts.

Before I sit down, Sir, I may mention that I welcome this discussion as it will give Government an opportunity of placing before the public the true position with regard to jails and it is very desirable that the public should know what the true position is.

Mr. NARENDRA KUMAR BASU: I beg to move that the demand for Rs. 10,43,500 under the head "25.—Jails and Convict Settlements" be reduced by Re. 1 (to call attention to the treatment of political prisoners and under-trial persons in jail).

Sir, notwithstanding the veiled threat, if I may say so, by the Hon'ble Member who made this demand for money, I am afraid I must go on with my motion and I do so principally for the reason that if the political prisoners————

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise on a question of personal explanation? I did not throw out any threat and if my friend Mr. Basu has taken it as a threat I am sorry. I never meant what I said as a threat but I merely explained the consequences of supporting the token cuts—financial and otherwise.

5-15 p.m.

Mr. NARENDRA KUMAR BASU: Sir, the consequences portrayed by my friend are absolutely frivolous. If, as a matter of fact, the political prisoners have, under the present regime of classifications and Government nourishment to them, to go into hunger strikes, it does not matter whether you place them in class 1, or class 2, or class 3. Sir, in March last, when the budget was being discussed before this House and when a cut was proposed in the Jails budget, the Hon'ble Member-in-charge, Sir Provash Chunder Mitter, in opposing that motion, gave out several, what he called, sound penological principles—two of them being that in jails prisoners must be kept in health, and that a prisoner must have his moral side improved, by which I think he meant that the prisoner was to be so treated that he might not offend again. Well, if the statements that have been allowed to appear from behind the prison bars in the public press from time to time are correct, Government has taken very good steps to see that prisoners do not offend again, by making them physically incapable. That may not be consistent with the first penological principle inculcated by the Hon'ble Member in charge of the Jails Department that the prisoners must be kept in health, but, I suppose, that for the purposes of Government the second principle is the sounder one.

Sir, members of this House are aware of the troubles that have arisen in three of the principal jails of late, viz., the Alipore Central Jail, the Presidency Jail, and the Midnapore Central Jail. The facts as they appeared in the papers and Government's statements regarding the Alipore Central Jail are more or less familiar to members of this House.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise on a point of order, Sir? About the Alipore Central Jail the hon'ble member has mentioned incidents that took place in April last. The mattter which is now under discussion, I submit, deals with essential items of expenditure during the current financial year for which this demand is being made. I am making this demand now for future

expenditure, and I submit, Sir, that as the incidents in the Alipore Central Jail took place in April last, they have nothing to do with the present demand and that it is not open to hon'ble members to enter into any details of those incidents or discuss them now. I do not for a moment want to say that it is not open to them to go into the question of classification generally but what I submit is that it is not open to them to go into the question of treatment of prisoners in jail in April last, because it does not form the subject matter of the demand I am making, and it is not open to them to refer to anything which is not the subject matter of this demand.

Mr. PRESIDENT: I think Sir Provash is partially right, but I do not see any reason why I should not keep the matter open till a necessity actually arises for me to give a ruling on this point. But I might tell the member who is already in possession of the House that I do not want him, or for that matter, the Hon'ble Member in charge of the Department concerned to give undue stress to, or enter into details of, any particular incident which belongs to the past. I hope members will remember my instructions.

Mr. NARENDRA KUMAR BASU: I am deeply thankful to you, Sir, for your instructions. I was not going into details at all. I was giving to the House an account of the treatment of political prisoners in jail, and with all respect to my friend the Hon'ble Sir Provash Chunder Mitter, I ask how I can refer to the future treatment of political prisoners without referring to what happened in the past. I know nothing of the future treatment which they will receive, but I hope the future treatment will be a great improvement upon the past treatment meted out to them.

As I was saying, Sir, about the incidents in the Alipore Central Jail, the political prisoners and the under-trial prisoners were beaten not only by the authorities of the jail but by Peshwari convicts. That was something which, if I may say so, shocked humanity: I know it did not shock the conscience of the executive government, though it ought to have done so. To have political under-trial prisoners beaten in such a fashion that several of them had to be removed to hospitals, and that the Special Tribunal which was conducting their trial, had to be adjourned for 15 days, speaks volumes regarding the treatment that under-trial political prisoners receive in the Alipore Central Jail. And I only hope that the Council will remember when voting on this motion that the sort of treatment which these prisoners from all accounts are receiving is the index of the treatment that they will receive in the future. The Hon'ble Sir Provash Chunder Mitter has told us in reply to a question this afternoon that Mr. Subhas Chandra Bose———

Mr. PRESIDENT: You had better not refer to that.

Mr. NARENDRA KUMAR BASU: I bow down to your ruling. the course of discussion in March last, the Hon'ble Sir Provash Chund Mitter stated that it was no use making general complaints about t treatment of political prisoners in jails, but that if specific instanc were brought to the notice of the Inspector-General of Prisons, he wou certainly inquire into them, and that even the Hon'ble Member hims might inquire in special cases. Sir, we have seen during the last fe months what sort of inquiries are made by the Hon'ble Member in the grievances of political prisoners which have been brought to h notice not only by the public press but also by members of this Counc some of whom even waited upon him. And when members of th Council, despairing of getting relief from the Hon'ble Member, broug the matter to the notice of the head of the Government, they were to that the matter was already being inquired into, although no sort public or semi-public inquiry was ever made. The Council is sti waiting in vain to know what sort of inquiry has been made, exce that statements have been obtained from the officers concerned, wl were themselves in the position of accused persons. I do not kno whether there was a real inquiry or not.

Then, Sir, there is the other incident in the Presidency Jail, whic took place only on Friday last. As most members have seen in th papers, some of the under-trial political prisoners were again give such a severe beating that several of them could not attend the cour to stand their trial. I saw it stated in the papers that the attack o the under-trial political prisoners in the Presidency Jail was made not b the Jail authorities alone, but also by policemen who were heade by the great Commissioner of Police himself. And when th Commissioner of Police was called in, he came in khaki to administe lathi blows to Satindra Nath Sen and other prisoners. This is the sor of treatment that under-trial political prisoners are now receiving i jails, and this is the time when the Hon'ble Member comes up to th Council saying, after refusing to make a personal inquiry, "give m more money, give me more funds—give me 10 lakhs—for the benefi of the political prisoners."

Sir, then there is the other incident which took place at the beginnin of August in the Midnapore Central Jail. There the sepoys were incite to assault political prisoners. What is the Jails Department comin to? If Peshwari convicts, policemen—white, brown and black—an also sepoys, are brought into jails to commit assaults upon politica prisoners—and what is worse upon under-trial political prisoners—is i really necessary for the Council to go on voting money for the Jail Department? Why? There is the other demand which will come u next—I mean the demand for grant for the Police. Let this deman be merged into that for the Police.

I submit, Sir, that the Hon'ble Member has not brought forward any reasons for the demand that he has made for this huge sum of Rs. 10,43,000. I am aware that I am not proposing that the grant should be refused *in toto*, but that I am only bringing forward a token cut in order to bring to the notice of the Council the assaults on the political prisoners.

Then, there is the other part of the question, viz., the hunger-strikes that have necessarily followed upon these assaults. Well, as I say, if you begin to assault prisoners, send them to hospitals, and force them into hunger-strikes, it is not more money that will be wanted but less, as the expenses incurred on their feeding will be saved. And if that is the reason why these assaults have been committed, I submit that there can be absolutely no justification for these demands for increased grants for the Jails Department.

Then, there is the question of classification in jails. We heard in March last that the new rules for the classification of prisoners—especially of political prisoners—I do not remember the exact words—would be published very shortly. Well, we are five months ahead of March, and we have heard nothing about them. We have been told that some of the political prisoners who belong to very respectable families—people coming from the same stratum of society, even coming from the same stock—have been classified differently. This is one of the results of not publishing your rules and not sticking to them if you have made them at all.

I submit that the treatment that the political prisoners have had in the jails—and more especially the treatment which the under-trial ones have received of late—should receive sympathetic consideration from members of this Council, and I shall ask them to show their disapproval of the actions of Government and also of its failure to take any steps so long for the amelioration of the lot of political prisoners by voting for my token cut.

5-30 p.m.

MUNINDRA DEB RAI MAHASAI: I beg to move that the demand for Rs. 10,43,500 under the head "25—Jails and Convict Settlements" be reduced by Re. 1 (to raise a discussion on the question of policy, management of jails, treatment of prisoners, specially political prisoners).

Sir, I cannot resist the temptation of congratulating my Hon'ble friend in charge of jails, Sir Provash Chunder Mitter, and the Government for finding out, perhaps unconsciously, an easy solution to

one of the greatest problems that confronted the world to-day, I mean the problem of unemployment. The trade depression and the slump in business have made the bread problem most acute. At this psychological moment the Government has most generously converted all the jails in Bengal into so many State guest-houses, known now-a-days in common parlance as "Swaraj Asrams" for the reception of those who cared to accept its hospitality. People irrespective of rank, age or sex are vying with each other to become inmates of the asram. The prison walls no longer inspire awe. The social degradation attached to prison life has given place to cheap martyrdom and popular applause. Bails which were eagerly sought after were being rejected by the prisoners themselves. People have begun to prefer prison than payment of fines. These new factors have made the prison problem more acute. If this state of things were allowed to continue for an indefinite period, Government, however solvent, were destined to become bankrupt, not to speak of the depleted Bengal Exchequer. Preventible diseases like malaria, kala-azar, cholera and the like which were causing havoc in the country, can indefinitely wait for funds; sanitation, education and other nation-building departments may starve for want of funds, but money must anyhow be found for the maintenance of the State guests. If repression goes on as merrily as at present, it would be impossible for any Government to accommodate them. Want of sound statesmanship in the Government is partly responsible for this deplorable state of things. Repression of political crime may be useful to a certain extent, but excessive repression almost inevitably reacts unfavourably upon the existing order of things and helps to create an intolerable situation in which temporary disorder becomes preferable to order. The inevitable result would be sudden explosion to overthrow the repressive forces which is not at all desirable in the present state of the country.

Sir, let me now pass on to the management of jails, treatment of prisoners, especially political prisoners. Inspite of the best intentions of the Hon'ble Member-in-charge, the screw seemed to be loose somewhere in the management of the jails. Else there would not have been so many hunger-strikes in the different jails in Bengal. Rough handling of respected leaders in the Alipore Jail, the non-admission of their relations after the assault, the denial of their medical examination soon after the occurrence by any non-official doctor, this sort of " hush, hush " policy indicated that something was wrong within the prison walls. From this the people naturally concluded that if such things were possible in the metropolis, uglier things were not improbable in the far off mufassal jails. Of course, discipline in jails was essential, but jail officials so long accustomed to be associated with ordinary convicts should remember that they have now got to deal with different class of prisoners—some of them highly educated and cultured holding good position in society. If they were looked down upon like ordinary

felons, it would be a colossal blunder and troubles were inevitable. Tactless acts in the enforcement of discipline should be avoided as far as practicable.

Artificial uniformity cannot be the best form of discipline. Acts like " sirkar ko selam " and " Hian akey hamara gor dabao " referred to in the last budget speech by Maulvi Syed Jalaluddin Hashemy, which debased the human soul, should not be tolerated for a moment.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I ask for some information through you, Sir? Can my hon'ble friend take responsibility for the statement that warders ask prisoners to do that sort of work " Hian akey hamara gor dabao "? If he can give me any specific instance, I shall certainly cause a very careful inquiry to be made and take drastic action.

MUNINDRA DEB RAI MAHASAI: Yes, it was referred to by a member of this Council here during the last budget debate, to which no objection was taken————

Mr. PRESIDENT: Have you made sure that that statement was correct?

MUNINDRA DEB RAI MAHASAI: But certainly the statement " sirkar ko selam " was to the point.

The Hon'ble Sir PROVASH CHUNDER MITTER: Then I think he should withdraw that statement " Hian akey hamara gor dabao."

MUNINDRA DEB RAI MAHASAI: It was referred to in the speech of Maulvi Syed Jalaluddin Hashemy. However, I have no objection to withdraw it.

Discipline may be an essential feature of prison life but these were no better than the abuse of the term " discipline ". A normal social life for the prisoners and the development of their personality should be the ideal of prison administration. Unsocial or anti-social life in prison cannot help to make one a useful member of society after release. Attention should be paid to develop educational and recreational facilities in prison. The jail libraries were more or less of a primitive type.

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir. I am not asking for any grant about jail libraries or jail education. So the remark of my friend is not relevant.

Mr. PRESIDENT: His remarks have been of a very general character, and I often felt tempted to draw his attention to the reasons

he himself had given for moving this motion. If he would keep his eyes on those reasons, I think he would be able to confine his remarks within the proper limits.

MUNINDRA DEB RAI MAHASAI: That was only a suggestion that I made. Political prisoners may be a burden on the provincial Exchequer, but I do not understand why other prisoners should be a burden on the State. If the mills, after paying adequate wage to labour, can declare handsome dividends, I do not know why factories in the jails should not be educational as well as financially profitable, not only to maintain the prisoners but to bear at least a fair share of the cost of jail administration.

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir. Here, again, the member is travelling beyond his reasons.

Mr. PRESIDENT: I think he finds it difficult to come out of his set speech. He wants to leave it but it does not want to leave him. (Laughter.)

MUNINDRA DEB RAI MAHASAI: My point is that the jail factories should be managed in such a way that they would be able to bear a fair share of the cost of jail administration. Prison administration should be conducted and organised in such a way as to furnish the prisoners an industrial training which will help in making them useful and productive members of society after they leave prison. With these remarks, I commend my motion to the acceptance of the House.

Babu SATYENDRA NATH ROY: I beg to move that the demand for Rs. 10,43,500 under the head "25.—Jails and Convict Settlements" be reduced by Re. 1 (to raise a discussion about the treatment of political prisoners).

During the last several months India has been tossed up considerably, outwardly on account of the civil disobedience movement, but inwardly on account of a great national movement—a movement not known before in the history of this country. The remedy for putting a stop to this great movement, as prescribed by our rulers, has been to rush on the arrest of persons and putting them in jails. It is not for me to support or condemn this civil disobedience movement, as I am too insignificant a person to pronounce an opinion on the merits or demerits of that creed. What I would like to point out to Government is the treatment of political prisoners in our jails. Apart from the treatment these prisoners are receiving from the hands of the police immediately after their arrest, what treatment do they receive when they are permanently lodged in jails. Such treatment have probably come to the knowledge of us all, but they are totally

ignored by the authorities. Persons holding high stations in life, whether for leading a prohibited procession or reading a prohibited literature, are treated in common with assasins, cut-throats and dacoits. When there was a report in the press last April about the treatment of Mr. J. M. Sen Gupta, the Mayor of Calcutta, and of Mr. Subhas Chandra Bose a great public feeling was roused. What was the attitude of Government—beginning from the Members of the Executive Council down to the warders of the jails? It was a feeling of absolute apathy. Was any public or independent inquiry vouched or promised or made? We have heard with much regret the answer of the Hon'ble Member regarding the holding of the inquiry. The iron rule would not relax in any way because the prestige of the British Government would be seriously impaired. Recently, we have heard much of the classification of prisoners, but I think these classifications do not go much towards the alleviation of the hardships of these prisoners, for on the slightest breach of any jail rule one prisoner may be degraded from A class to B class or from B class to C class. There is no appeal, there is no redress. The visitors of jails meeting either quarterly, or visiting once a month have not much scope for work. Moreover, these visitors are very few and most of them are officials and keen on preserving the strict observance of these jail rules and the prestige of the jail authorities. I would impress on Government in this connection the appointment of a larger number of non-official gentlemen with larger powers of dealing with complaints made by these political prisoners. I would also ask that corporal punishments should under no circumstances be inflicted on any class of political prisoners. Sir, regarding the diets doled out, there are always complaints and these hunger-strikes are resorted to. What is the attitude taken by the jail authorities when complaints are made about bad diet? It is an attitude of callous indifference and we see prisoners carrying on hunger-strike from a few days to a week and from one week to two weeks and from two weeks to the final end of the drama and to their miseries. We all know that home comforts are not expected when a man is in jail, but we must, I think, make a distinction between an ordinary convict and a person convicted of a political offence. I think it should always be conceded that the principal object of putting a person guilty of committing a political crime is to restrain the activities of that individual. There ought to be an end of these hunger-strikes. Can we not appeal for more tact and a little more sympathy on the part of the authorities in dealing with these hunger-strikes or shall we act with the spirit that because people want to go to jail they must have the worst of it.

Sir, we know that money is necessary if we want better and larger accommodation and better diet for these political prisoners, but will not the Government vouchsafe that the wishes of the members of this Council and of the general public will be carried out.

Mr. SYAMAPROSAD MOOKERJEE: I move that the demand for Rs. 10,43,500 under the head "25.—Jails and Convict Settlements" be reduced by Re. 1 (in order to raise a discussion on the jail administration during the last four months).

Sir, in moving this motion, I desire to associate myself wholeheartedly with what has been said by the previous speakers regarding the treatment of political prisoners in jails. I think I am expressing the general sentiment of the educated community of Bengal when I say that the reported acts of violence, torture and cruelty perpetrated by the authorities concerned upon political prisoners in jails, taken along with other manifestations of brute force outside the prison walls, have rudely shaken their confidence in the Government as constituted in this province to-day. Or, shall I go a step further and say that such reports and occurrences have resulted in a complete loss of confidence in British administration in India. The present session of the Legislative Council will, I hope, give us opportunities of discussing on the floor of this House some of the horrid and disgraceful details of the mad and self-destructive policy of repression pursued by Government during the last few months.

Sir, the administration of jails is supposed to be in charge of the Hon'ble Sir P. C. Mitter, and people outside Bengal who have come to know of some of the incidents which have happened in the jails in Bengal, have wondered how an Indian member of Government could have allowed the initiation and continuance of such a policy in a department which was known to be directly under his control. But those who are apt to take a rather generous view of the qualities with which nature has endowed him, will not venture to accuse him of firmness or independence. Like the proverbial Raja in a jatra performance, certain state functions are no doubt assigned to him but in vital matters, the real responsibility is not his. He is only the channel through which we hear His Master's Voice. It has often been said, and that with great force, that Hon'ble Members so situated rather deserve our pity than our censure.

Coming, to the incidents themselves I wish, Sir, it was possible for me to place before you certain of the most recent happenings in the Presidency Jail in which one of the noblest of souls, Srijut Satindra Nath Sen, figures as the chief victim. As the matter is now under judicial inquiry, I refrain from going into the details but we shall watch how Government propose to investigate into the serious allegations made in that connection.

Sir, as it is not permissible for me to refer to the detailed acts of violence in connection with the present debate, I propose only to refer to the nature of some of these assaults. There have been cases where a respectable ex-editor of a journal has been forced to work in

the dhobi-khana, where educated young men have been put to the oil-mill for weeks and months, where a sergeant rudely choked the throat of a prisoner, a jamadar sat on his breast while two other pressed his thighs in order to force him to wear jail kits. There have been cases, Sir, where prisoners have been assaulted simply because they cried "Bande-Mataram." Night after night several groups were handcuffed and even punished with penal diet for that reason. There have been cases, Sir, where prisoners have been made to walk naked for 500 yards and then kept locked in punishment cells thereafter, only because they refused to wear jail kits, as their cases for classification were still pending before Government. Sir, I do not know if the Hon'ble Member, who sometime ago was extremely anxious to know the names of the particular persons so assaulted, would also like me to furnish him with details.

The Hon'ble Sir PROVASH CHUNDER MITTER: If my friend could personally vouch for the incident, then I think he would be quite in order, subject to your ruling, Sir, to mention it to the House. But if he cannot personally vouch for it, he is always at liberty to write to me or to the Secretary and I may assure him and the House that the fullest inquiry will be made in the matter.

Mr. SYAMAPROSAD MOOKERJEE: The Hon'ble Sir Provash Chunder Mitter knows that it is not always possible to have personal knowledge of these incidents. The reports have reached us from unimpeachable sources and it is for the Hon'ble Member to institute an inquiry into the allegations.

Then, again, persons sentenced to simple imprisonment are allowed to wear their own private clothing and several such political prisoners were ruthlessly assaulted as they refused to take off their Gandhi caps. Some of them as a protest went on hunger-strike and were then released after a week. Will the Hon'ble Member be pleased to inquire why it is that the medical officer is always anxious to show a low figure in the Hospital admission list as also in the convalescent gang? Is it a fact that patients are ruthlessly discharged from the hospital before they are able even to walk or work in any way?

Sir, I do not want to multiply instances. Neither is there time for me to make a detailed reference to the quality of diet supplied particularly to the C class prisoners. I hope the Hon'ble Member will muster courage and pay a surprise visit to the jail one day and satisfy himself whether the food is really fit for human consumption at all. Time also does not permit me to refer to the principles which underlie classification of political prisoners. It is to be remembered that the political prisoners are not persons who have committed

heinous acts which violently offend our moral feelings. Call them misguided, if you like, disapprove of the consequences of their action, if you choose, but unless you are untrue to yourself, you cannot doubt their sincerity or question their capacity for suffering and their spirit of sacrifice. One ideal and one alone has impelled their action and that is a fervent zeal to free their motherland from foreign domination. You say they have broken the provisions of your lawless ordinances. If they have done so, the remedy open to Government is prosecution, conviction and imprisonment. That has been done and done with a vengeance. The area of jails is sought to be widened and it will soon have to be made as wide as the province itself. But what laws God-made or man-made, do empower Government to mercilessly persecute and commit violence on the prisoners. Sir, Government will say that the policy of repression has been pursued as their very existence is at stake. However bankrupt Government might have proved to be in practical wisdom and political statesmanship, will it be too much to expect that they are at least aware that no Government in the past did ever rest permanently on brute force, nor can any Government so expect to rest in future. The duty of Government is clear. In their own interest they ought to appoint an independent committee to inquire into the serious allegations made against jail administration. Government are in the position of an accused person and the farce of the accused himself sitting in judgment upon his own conduct must be stopped. We are tired of white-washing resolutions contained in Government communiqués. Let there be an independent committee of inquiry and if that is guaranteed, its verdict, whatever it may be, will command the confidence of the public at large.

Dr. NARESH CHANDRA SEN GUPTA: I am afraid that the hon'ble members who have been speaking on their amendments—I am perhaps anticipating Sir Provash Chunder—have been proceeding on the basis of a gross misapprehension. The facts which they have stated they cannot personally vouch for and they have no access to those secret springs of information which are open only to the members of Government, springs of truth which the Government will not share with the people and which they will only ladle out to the public in half-measures, forgetful that, in the words of Tennyson—

"A lie that is all a lie may be met and fought with outright,
But a lie which is half a truth is a harder matter right"

forgetting that in giving half the truth they are giving only a lie. There is another respect in which my friends appear to be under a misapprehension. They believe that the principles of penology have something to do with the treatment of political prisoners in jails. I

think that is a misapprehension. Penology has nothing to do with it. You are not dealing with criminals; you are not dealing with persons whom you want to correct for moral obliquities; you are dealing with your enemies. Government thinks it is dealing with enemies. It is not a question of penology at all. It is a question of subduing your enemy. If that point of view is appreciated by the movers, they will not complain of maltreatment of prisoners in jails. Sir, the way in which I would look at this campaign of Government is that Government is carrying out a vast experiment in communism; and as a student of sociology, deeply interested in all experiments of communism, I am watching that experiment with interest. These people, who have not committed any crimes against the laws of God, what does the putting of all these people in jail mean? It means that you take them out of the inequalities of outside society and place them in perfect equality with the ordinary prisoners in jail. That, I think, is communism. I do not know whether the Government is aware that if they go on with this experiment, it will grow to enormous proportions such as they cannot forsee yet. It will not mean putting of a few hundreds or thousands or tens of thousands but putting the whole nation in jail. Sir, there can be no doubt that the area of activities of my hon'ble friend will go on increasing so long as this policy continues. They have only got the front lines now, then there is a second line and a third line and then there will be men springing out from the bushes and all of them will have to be put in jail. Sir Provash has therefore come forward with an inadequate demand. For it will not do to build any number of jails, it will not do to increase the number of warders and superintendents of jails, but he would have to go out to the world to look-out for a new Siberia where he can dump in these people if he wants to deal with them.

6 p.m.

The mistake of the whole thing lies in thinking that by putting a number of people, however large, in the jail, you can extinguish the movement. It is not a movement which is confined to a few people; it is a movement where for the time being active members are comparatively few, but it is a movement actuated and inspired by feelings which lie deep in the soul of every true born Indian. Therefore as you go on you will find new enemies springing up and as you make further steps you will come on fresh contingents of persons whom you never expected but who will have to be taken into account and you will go on like this till the whole nation is put into the jail.

Mr. J. CAMPBELL-FORRESTER: May I ask, Sir, if the speaker is advocating mob law?

Dr. NARESH CHANDRA SEN GUPTA: It must be very annoying to Sir Provash Chunder Mitter that all these statements have been made by hon'ble friends on information for which they cannot personally vouch; they probably may not know the whole truth which is known only to Sir Provash Chunder Mitter. It may be annoying to him that all this sort of half truths and untruths should be disseminated through this Council but here I must say that for this Sir Provash Chunder Mitter has to thank himself. Members of this Council—a large number of them—gave him every opportunity to clear himself with the Council and with the public. As soon as the first story about the maltreatment of political prisoners in jail was circulated in the papers several members approached him with a request to have an open and public inquiry into the matter and Sir Provash Chunder Mitter has now explained why that inquiry could not be held. Well, there were grave administrative reasons; such an inquiry would practically amount to a censure on the persons who were in charge of the jail and who were responsible for the jail; they must be protected at any cost; they must not be interfered with at any cost and ergo, the public must not know. In a manner information which alone would have satisfied the public as to what was happening behind the prison gates was denied to them and that because certain public officials would have their acts under the lime light of public criticism. That may be a very sound policy and that may be a policy which is perfectly consistent with the dictum of the Hon'ble Member which was laid down in this Council to-day that the Government is responsible for the jails and we are mere interlopers. That is a perfectly reasonable attitude to take up but at the same time Sir Provash Chunder Mitter who has made his bed must lie on it. He had an opportunity of clearing himself by a public inquiry. Possibly that inquiry would have shown that the prisoners themselves were in the wrong and the people who made that inquiry might possibly have carried the confidence of the people and might have absolutely dissipated the false allegations made in the press, and, thus the truth would have come out. But Sir Provash Chunder and the Government have denied us the opportunity of making this investigation and Sir Provash Chunder Mitter has denied himself the opportunity of clearing himself before the public. Judgment has gone by default and at this late hour, with this demand before the Council Sir Provash may cry himself hoarse, professing absolute innocence, professing God's own truth but he does not know human nature if he expects that his voice will be anything but a voice crying in the wilderness. People will not believe that there is nothing wrong in the treatment of political prisoners, for the Government has stolidly been opposed to any arrangement for an independent inquiry into the matter. That being so no amount of explanation and apology for what really happened, no amount of pleading in the name of God's truth will satisfy the members of the

public; it may or may not satisfy the members of the House, but I trust that the members will not assent to this demand on the part of the Hon'ble Member when he has so outrageously flouted the public demand for an open inquiry and thus denied the public the opportunity of getting at the truth. It is a common principle of courts of law that a party who is guilty of contempt of court is not heard. Sir Provash has, I submit, been guilty of contempt to this House and I am sure the same principle will apply to him. It is for you, Sir, to allow him to speak but it is for us to hear and I am sure Sir Provash will fail to get a hearing from us on this account.

Mr. A. K. FAZL-UL HUQ: It seems to me that a number of false issues have crept into the course of discussion on this motion. My friend, Dr. Sen Gupta, has made an impassioned appeal to the Council, practically asking us to approve of the civil disobedience movement and the consequences arising from that movement. I submit for the consideration of the House————

Dr. NARESH CHANDRA SEN GUPTA: On a point of personal explanation, Sir. I never suggested anything like that.

Mr. A. K. FAZL-UL HUQ: My friend certainly never used the word "civil disobedience movement" but if I heard him aright, his speech referred to the movement and the consequences arising out of it. One thing that seems quite clear to me is this: that laws have been deliberately broken, and I think I am right in saying that some of our countrymen, perhaps with the best of motives, have broken laws with the deliberate object of courting imprisonment. Sir, the fact remains that those who make provision for prisoners in jails do so for normal times. The movement itself is of an abnormal character and we find that thousands and thousands of our countrymen are deliberately courting imprisonment. Unless provision is made for meeting this emergency I do not see how we can expect that our countrymen who are sentenced to terms of imprisonment should be conveniently lodged in jails. Some of the gentlemen who have been in prison have complained to me after their return from jail of the dearth of accommodation in jails. It seems to me that it is rather incongruous on the one hand to complain of the treatment meted out to prisoners in jails and at the same time to refuse Government the money to provide for proper accommodation and for their comforts. I think, Sir, the issue is distinct and clear. Government want this money to meet this emergency and I think that without discussing any other issue and without sitting in judgment either on a Member of Government or on those who are responsible for the movement, we should vote for the money in view of the extraordinary situation that has arisen.

Rai Bahadur KAMINI KUMAR DAS: I beg your permission to say a few words about the motion of the Hon'ble Sir Provash Chunder Mitter.

This is a motion which I think cannot and should not be opposed. The motion is a happy and timely one and Government is in the position of a peshkar in respect of this motion. A peshkar, who is a friend of both the sides, cannot lose a case, so Government in respect of this motion can never be a loser in either result. Now let us consider what will be the probable effect and result of this motion. The motion runs thus: "Owing to an abnormal increase in the number of persons committed to custody in jails and to the application of new rules for the classification and treatment of under-trial and convicted prisoners, the budget provision during the current financial year under the head '25.—Jails and convict settlements' is likely to be exceeded under almost all the sub-heads." It cannot be denied that there is an abnormal increase in the number of persons committed to custody in jails and so long as it cannot be controlled by us either by inducing the people not to increase or by inducing Government not to let it increase, the increase is likely to continue and that by bhadraloks. Therefore there must be a better provision for bed and food. If we do not carry the motion Government do not suffer. There will be a strong excuse for Government and that will be at the cost of our brethren who are in jail. I therefore hope and trust that the hon'ble members will support this motion.

In conclusion I beg only to suggest, as has been suggested by my previous speakers, that many of the statements that have been made in the Council should be considered as beside the point. The only thing that we have to consider is that there is an abnormal increase and that that increase is likely to continue so long as we cannot induce our brethren not to increase and Government also do not like to stop it. When there is this increase there must be additional expenditure. Government for our sake and for our convenience are suggesting through their spokemen how our brethren will be better fed and clothed with the money asked for and I therefore suggest we should not grudge this money. It is said that this money, if sanctioned, will be spent in administering the department. We should not complain about that and should leave the amount with the Hon'ble Member to be used at his discretion.

Babu JATINDRA NATH BASU: I am afraid the two members who last spoke have not put the matter correctly before the House. They have dissociated two departments of Government—the department which prosecutes and the department which makes arrangements for those that are sent to prison. After all it is one and the same Government that do both the acts.

6-15 p.m.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I did not like to intervene, but I think the debate is really getting irrelevant. The demand that I am asking the House to pass is for a certain amount of money for certain specific purposes. If we enter into a roving discussion as regards general policy, political and otherwise, the debate will become irrelevant. Of course, a passing reference to general questions may be relevant, but what I would draw your attention to is this: that if too much stress is laid on political questions generally, then, Sir, the debate will be lengthened and will be irrelevant.

Mr. PRESIDENT: Order, order. True it is that the House at present is not concerned with what policy the Government is pursuing, why the Government is sending people to jail, or why people are coming forward to throw themselves into jail, and that it is only concerned with the management of jails, but the Chair must feel that it is very difficult for a speaker to chalk out before him so narrow a path as the Hon'ble Member wishes him to do.

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of personal explanation, Sir. I never drew your attention to this matter till this moment, as I know it is for you to see that the debate does not take an irrelevant turn. It is only after some of the speakers have spoken that I have drawn your attention to the matter

Mr. PRESIDENT: The Hon'ble Member need not be anxious; I shall not allow any speaker to drift far too wide, but I shall not stifle discussion.

Babu JATINDRA NATH BASU: Sir, I have listened to your instructions and I shall try my best to confine my remarks to the points in issue. It is admitted that the people who are now going to jail, and for whose benefit additional accommodation and additional establishment are required, are not ordinary criminals. They are—the Hon'ble Member himself has used the expression—political prisoners.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have not.

Babu JATINDRA NATH BASU: On more than one occasion I have heard you using that expression.

The Hon'ble Sir PROVASH CHUNDER MITTER: Can you point out the passages?

Babu JATINDRA NATH BASU: The report of the proceedings will show.

We find that persons who joined in a procession have been sent to prison for a certain number of months. This is not possible in any other country. Take the case of London, for instance. You will find there people going in procession to Hyde Park or Trafalgar Square and indulging in the most revolutionary kind of talk. Nobody minds them and nobody asks Parliament to enlarge the prison accommodation for accommodating these persons. That is a matter of weekly occurrence there. But here things are managed differently. Things which ought not to waste the time of the officers, who have more useful work to do, engage the time and attention of Government here. I wonder why all these people are kept in jail so long. I am told, though I cannot vouch for what I am saying but the Hon'ble Member can make an enquiry about it, that a large number of prisoners who are thieves and other kinds of ordinary criminals and who are real breakers of the law, are being released for the purpose of accommodating these persons, whom I, if not the Hon'ble Member, call political prisoners. Why cannot the political prisoners be released in that way? Some of them are mere striplings who go before the gates of schools and colleges asking the students not to go there, or who go in front of cloth-shops and ask people not to buy foreign cloth. What are things coming to? We seem to be going back to barbarism. That is the outstanding feature of the Government of the present day. Are we living in a civilised country, under a civilised Government? One sometimes rubs his eyes in wonder as if men have forgotten what their fellow-men are and how to deal with them. I trust the Hon'ble Member will give instructions to his officers to see whether a large proportion of these men cannot be let off. The present state of affairs cannot be pleasing either to the Government or to the people. These are the considerations which I think should actuate the Hon'ble Member in administering the Jail Department.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, although I have listened to many heated expressions, although I have had enough of personal abuse levelled at me, I regret to say that I have heard very few relevant facts. What is the issue before the House? I am asking for a specific sum of money for a specific purpose, every detail of which has been mentioned in the papers which have been circulated to the members of this House. I have not heard anything as to why a token cut of Re. 1 should be made either with regard to the manner in which this grant for which I am asking should be spent or with regard to the future policy. I admit, Sir, that strictly speaking it may be relevant to say, "You have acted in such and such a way in the past; you may act in a similar way in the

future," and if I understood you aright, Sir, that is or was your ruling, and I shall try to reply on that basis, prefacing by observations with the remark that, strictly speaking, this is not very relevant to the matter under discussion.

In the first place, let me observe, without any offence, without emulating the language and spirit of Dr. Naresh Chandra Sen Gupta, a gentleman who certainly ought to have known better, in levelling personal abuse against me, without emulating the youthful enthusiasm of Mr. Shyamaprosad Mookerjee, the son of a revered friend of mine, that the relevant question before the House is not whether Provash Chunder Mitter is a coward or a man of no strength of character, but whether the jails require proper administration: the relevant point is that if you have 15 to 18 thousand prisoners in your jails—and many of them men of the worst character—would you allow, would it be consistent with discipline to allow, these so-called political prisoners to do whatever they liked with these men—the ordinary convicts—(cries of "Hear, hear," from European members), much against their will and without knowledge of the consequence of their actions—actions which might lead to shooting and to taking of human lives. I say this because this has been the campaign of many of these so-called political prisoners, who careful of their own skin have tried to cause mutiny among the ordinary prisoners? They were found with the ordinary prisoners————

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Are all these things necessary in discussing this matter—the motives of political prisoners?

Mr. PRESIDENT: It is too late in the day to complain. You and speakers who followed you have chalked out a very wide path before the Hon'ble Member. (Laughter.) I will not be more lenient to him than I was to you. Any how, I am not for a lifeless debate.

The Hon'ble Sir PROVASH CHUNDER MITTER: Some of the hon'ble members of this House have referred to the incidents of the Presidency Jail, they have also referred to newspaper reports in another connection. It was also openly asserted in certain newspapers that prisoners went to the roof of the jail and threw missiles to passers-by outside, and there was no contradiction. If anything published in certain newspapers is to be accepted as gospel truth, then why should you not take notice of this also? I shall not refer to details, because the matter will soon come before a court of law. One particular prisoner, who calls himself a political prisoner, actually harangued a crowd of 300 to 400 ordinary prisoners, who have been sentenced to

long terms of imprisonment. When the Superintendent went there and asked the so-called political prisoner—the patriot who has gone there for the sake of the country—he not only refused————

Mr. NARENDRA KUMAR BASU: I am afraid, Sir, I must again rise to a point of order. How can the Hon'ble Member refer to a matter which is *sub-judice*?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not going to refer to that portion which is *sub-judice*. I know how inconvenient it is for my friend to hear truth. Now, Sir, if this is the position, what is the poor Superintendent to do? If he prosecutes the offender, my friends will say: What a heartless conduct of the Superintendent to prosecute a patriot." If he forcibly makes him carry out his orders —I suppose some physical force is necessary—however gentle, however minimum the physical force may be, the next morning there will be a tremendous howl in the press. I submit, Sir, although I do not see eye to eye with my friends, that if I go to jail for a cause, I will not whine and howl and cry and say: "Oh! give me a little better treatment; show me mercy." That is acting like a coward.

(A VOICE: You have not that courage). I admit I have not got that courage, but why should those who pretend to have that courage whine and cry for mercy. (Cries of "Hear, hear," from European members). Let them not do so. We in Government are bound by certain rules. You cannot administer 15,000 prisoners—now they are several thousands more in the province of Bengal alone: I do not know the total number for the whole of India—I take it it must be more than a lakh—at the sweet will either of the Superintendent or of the Secretary or of the cowardly Provash Chunder Mitter. There must be rules and those rules must be specifically enforced.

It may be a very unpleasant duty. I do not for a moment say that administering jails is a pleasant duty on my part, or on the part of anybody, but should it be our ideal to do pleasant and popular duties only and shirk unpleasant and unpopular duties.

As regards assaults, I claim that in cases in which matters were specifically brought to the notice of Government we inquired but we were satisfied that these incidents were started by those who were anxious to wreck jail discipline, and I would ask those hon'ble members who have not taken sides to approach it from the point of view of a jury-man. Is it or is it not likely that men who are willing to suffer jail for a "cause" will not follow the same course of action inside the jail as they did outside, viz., to give as much trouble to the administration as possible? If this is likely, the onus will lie on those————.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. Does my friend speak from his personal knowledge?

Mr. PRESIDENT: That is not a point of order.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have not asserted any fact and so no question of personal knowledge arises. However let that pass. It has been pointed out that if Government will not hold any inquiry how can the public possibly know what is going on in the jails. Surely it must be known to the members of this House that there are such things as jail visitors. It ought to be known to the members of this House that many members of this House are ex-officio jail visitors.

Mr. NARENDRA KUMAR BASU: Sir, my learned friend ought to know that non-official jail visitors are not allowed to see political prisoners.

The Hon'ble Sir PROVASH CHUNDER MITTER: My friend has forgotten by constant repetition that most of these prisoners are not political prisoners, but even for political prisoners there are jail visitors. There are jail visitors for all prisoners, and these visitors did visit the Alipore Central Jail. But quite apart from anything else, I will take my stand on the report of Dr. B. C. Roy, and I will ask the members who spoke so eloquently to remember what was published in Calcutta on the 21st and 22nd April, namely, that Mr. J. M. Sen Gupta was dead and that Mr. Subhas Chandra Bose was in a moribund condition. Even educated men as soon as they saw the printed leaflet, they became agitated and the public besieged the jail and actually believed that Mr. Sen Gupta was dead and Mr. Subhas Chandra Bose was dying. As a matter of fact, on information then available to me, I was satisfied that it was the brains of certain people who did certain things at Chittagong two or three days before that who are responsible for the spread of this false news for propaganda purposes of their own. I had the information that these men at Chittagong were responsible for the spread of this false information. It was not possible for me at that stage to share this knowledge even with my political friends, nay not even with my brother. Hon'ble members should realise that the sphere of administration and the sphere of legislation must be kept separate. It will not be possible for Government, even when we have full responsible Government, to take every member of the legislature into confidence, far less to take the general public into confidence. There were a number of other facts which I had before me confidentially, and which I could not even breathe to anybody outside the Government. The ultimate responsibility was mine, not of Provash Chunder Mitter alone, but of Government. The responsibility was mine as a Member

of the much abused and much criticised institution, the bureaucracy. I was perfectly satisfied and those colleagues of mine of the bureaucracy, whom I consulted, were also satisfied that it was the result of a mischievous propaganda. On this knowledge and other confidential information before us—information which we could not spare with the public we had to take responsibility and act. Then again Dr. B. C. Roy issued a report along with Colonel Denham White which went to show that none of the prisoners were seriously assaulted. Surely Dr. B. C. Roy is not extra friendly to the Government.

Mr. SYAMAPROSAD MOOKERJEE: Is it not a fact that Dr. B. C. Roy was not allowed to see all the political prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: He was allowed to see the worst cases, five of them, and he was allowed to see Mr. Sen Gupta and Mr. Subhas Chandra Bose. It is perfectly true that neither he nor anybody is allowed to have a sort of roving commission inside the jail. Therefore, it is puerile to suggest, it was unworthy of the responsible gentlemen, that the incident was as bad as was asserted. I always said and I repeat that if any member after inquiry is *prima facie* satisfied about something which ought not to take place in the jails, he has only to write to the Jails Department, and I promise an inquiry. Promising inquiry does not mean in jail administration that the whole 46 millions of people in Bengal would be taken into confidence. It does not mean even the action taken will be what the person making the request will like Government to take. Even when we have full responsible Government, it is an elementary principle in administration that your ministers will not share the responsibility of the administration with the legislature. I may be wrong, but that is what my limited knowledge tells me about the correct position about the line of demarcation between administrative and legislative functions.

About hunger-strikes, I may just mention this that it is true that a number of prisoners did go on hunger-strike, because they said "unless you transfer me to division 1, I will commit hunger-strike." They were told "there are the rules governing the jails: give us materials and we will consider your cases." But their reply was "even if I have materials, I won't give them: I claim division 1 as a political prisoner." I say that the Jail Code does not know of any such expression as "political prisoner." Therefore, when they commit hunger-strike, they have only to please themselves, we cannot help it. But I am glad to say that barring one or two cases, no one committed hunger-strike for a considerable time. Excepting these one or two cases there were cases of hunger-strike lasting from 3 to 7 days. So far as I remember there were very few cases of prolonged hunger-strike. On the one hand, we are willing to examine each case on its own merits. On the other hand, if

we comply with all their requests such as "do this or I will commit hunger-strike," there will be an end of jail discipline and administration. They arranged for two hunger-strikes, one in the Presidency Jail and the other in the Central Jail amongst ordinary prisoners. I would like my hon'ble friends to realise that if the next step of the ordinary prisoners at the instance of the political prisoners were to shy things at the warders or to refuse to go to the workshop, then how were things to be managed. At some point physical force has to be applied, and if physical force has to be applied, would it not be better to inquire who started breaches of jail discipline? If anybody started breach of jail discipline, it would be the duty of the Superintendent to enforce discipline by having recourse to physical force. May I inquire who started the civil disobedience movement? Government had not started it. If those who started it were prepared to go to the full length I could understand. If they started lawlessness, it does not lie in their mouth to inquire whether the physical action which others are forced to take is allowed under the Jail Code or under other laws.

Something has been said as to why we did not appoint a committee on the *prima facie* case, on the admission of Mr. Subhas Chandra Bose himself that he insisted on certain Sikh prisoners being brought back it is clear he would not accept the orders of the Superintendent and insisted on things being done in his own way. On the report of Dr. B. C. Roy and Colonel Denham White we found that no *prima facie* case was made out, and we found it absolutely unnecessary to appoint a committee, simply because a certain section of the public got excited over the irresponsible and false reports of some newspapers.

Sir, I do not desire to enter into any detail of the other points mentioned. They are so many and so general and therefore so difficult to reply, but before I sit down I would remind the members that if you reduce the demand by Re. 1, jail administration would not be hampered in any way. The result of the reduction would be that if more money were needed His Excellency will authorise the mere essentials of the administration under section 72D of the Government of India Act, and there would be only one class of prisoners, and in that event the responsibility for the sufferings of these prisoners would be solely on my friends to the right.

I have no doubt of that. I have no delusions or illusions about the matter, but let me tell them once more that if you cut this grant; in consequence of section 72D, to which I have more than once drawn your pointed attention, it will not be constitutional to incur expenditure of anything more than the minimum. Sir, I do hope that, at any rate, those members of this House who will apply their mind to the realities, namely, whether the expenditure is necessary or not, will vote with Government, and if they do so, I have little doubt of the result.

The following motions were then put and lost:—

"That the demand for Rs. 10,43,500 under the head '25.—Jails and Convict Settlements' be reduced by Re. 1 (to call attention to the treatment of political prisoners and under-trial persons in jail)."

"That the demand for Rs. 10,43,500 under the head '25.—Jails and Convict Settlements' be reduced by Re. 1 (to raise a discussion on the question of policy, management of jails, treatment of prisoners, specially political prisoners)."

"That the demand for Rs. 10,43,500 under the head '25.—Jails and Convict Settlements' be reduced by Re. 1 (to raise a discussion about the treatment of political prisoners)."

The motion that the demand for Rs. 10,43,500 under the head "25.—Jails and Convict Settlements" be reduced by Re. 1 (in order to raise a discussion on the jail administration during the last four months) was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Maulvi Abdul Ghani.
Dutt, Rai Bahadur Dr. Haridhan.
Heque, Kazi Emdadul.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Naikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Rout, Babu Hemni.
Ray, Babu Haribansa.
Ray, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.

NOES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Basir Uddin, Maulvi Mohammed.
Blandy, Mr. E. N.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Ensufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sunil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Mucharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Sariul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mittra, Babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Mukharji, Rai Bahadur Satish Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.

Norton, Mr. H. A.
Ordish, Mr. J. E.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, the Hon'ble Kumar Shib Shekhareswar.
Roy, Mr. Bijoy Prasad Singh.
Ray, Mr. Satiswar Singh.
Roy, Mr. Sarat Kumar.
Saadatullah, Maulvi Muhammad.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rohati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Smith, Mr. R.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 24 and the Noes 74 the motion was lost.

The motion that a sum of Rs. 10,43,500 be granted under the head "25.—Jails and Convict Settlements" to meet essential items of expenditure during the current financial year was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 12th August 1930, at the Town Hall, Calcutta.

[illegible] of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 12th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 109 nominated and elected members.

Starred Questions

(to which oral answers were given).

Medical examination of applicants for motor drivers' licences.

*16. **Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state what are the rules relating to the medical examination of persons who apply for licence for motor driverships?

(*b*) Is it a fact that they are required to be examined by medical practitioners in Government service only?

(*c*) What were the rules before the promulgation of the new rules?

(*d*) Are the Government considering the desirability of making any changes in the rules?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Applicants for professional drivers' licences only are required to undergo medical examination. The relevant rules are rule 23 (*1*) of the Calcutta and Howrah Motor Vehicles Rules, 1930, and rule 15 (*7*) of the Mufassal Motor Vehicles Rules.

(*b*) In Calcutta and Howrah applicants may be examined by any one of a panel of ten medical practitioners, only two of whom are Government servants.

In Jalpaiguri district applicants may be examined by any one of a panel of thirteen medical practitioners, none of whom are Government servants.

Elsewhere applicants are required to be examined by an Assistant Surgeon or Sub-Assistant Surgeon, but Government may appoint in any area a panel of doctors for this purpose.

(*c*) The rule regarding Calcutta and Howrah has been in force since 1921 and the rule regarding the mufassal since 1927. Previous to these dates no medical examination was required.

(*d*) No.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state why there are different rules in Calcutta and in mufassal districts?

The Hon'ble Mr. W. D. R. PRENTICE: In Jalpaiguri there are a large number of cars and there are also a number of planters' doctors scattered over a large area. Communications are very difficult; and in order to meet the convenience of drivers, we have created a panel of medical practitioners to any member of which applications for licences can be made.

Maulvi SYED MAJID BAKSH: Is there any standard fixed as to the qualifications of the medical practitioners?

The Hon'ble Mr. W. D. R. PRENTICE: The normal standard is that of an assistant surgeon or sub-assistant surgeon.

Maulvi SYED MAJID BAKSH: Is the Government aware that even I. M. S. officers are available in the districts for the examination of drivers?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of it.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to appoint such a panel for the examination of motor drivers?

The Hon'ble Mr. W. D. R. PRENTICE: If an application to that effect is made to the District Officer of a particular district, I shall be prepared to consider the question after getting a report from the District Officer.

Proposed Nobinkrishna Mitra Memorial Fund.

***17. Mr. S. M. BOSE:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the late Babu Nobinkrishna Mitra, of Joynagar, in the district of the 24-Parganas, made over 3½

per cent. G. P. notes of the nominal value of Rs. 50,000 to the Collector of the 24-Parganas, endorsed in his favour, for the creation of a charitable endowment fund to be known as the "Nobinkrishna Mitra Memorial Fund," with the object of distributing the income from the endowment to deserving blind persons residing within the jurisdiction of the Joynagar, Mathurapur and Magrahat thanas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, are being taken in the matter?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes.

(*b*) Correspondence is proceeding with the Commissioner of the Presidency Division regarding the terms under which Government can accept the Trust.

Admission of Muslim students into the Chittagong Medical School.

*18. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) how many students have been admitted into the Chittagong Medical School during the current year; and

(*ii*) how many of them are Muslims?

(*b*) Have the Muslim students been selected according to the percentage of the Muslim population of the division? If so, at what per cent.?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) (*i*) Fifty-five.

(*ii*) Thirteen.

(*b*) No. But it might be stated that all eligible Muhammadan candidates who finally turned up for admission were admitted.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state what are the rules by which the eligibility of candidates are determined?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: They are long rules and cannot be stated off-hand. I require notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state how many Muhammadans applied for admission into the College?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I require notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Minister aware that when a question is put by a member it requires more definite reply?

Mr. PRESIDENT: That is no question. I cannot allow it.

Members of Selection Committee for the Chittagong Medical School.

*19. **Haji BADI AHMED CHOWDHURY:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) when and with how many members the Chittagong Medical School Selection Committee has been formed;

(*ii*) what are the names of the members; and

(*iii*) how long will the members hold their offices?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*i*) The Selection Committee for the Chittagong Medical School was formed under Government order No. 94-T.Medl., dated the 1st May, 1930, with 10 members.

(*ii*) The names of the members are given below:—

(1) Dr. Rai Jnanendra Nath Chatarji Bahadur, President (Civil Surgeon and Superintendent).

(2) Dr. Dharani Mohan Chanda, Secretary (teacher).

(3) Dr. Jogendra Nath Basu (teacher).

(4) Maulvi Jalaluddin Ahmad.

(5) Maulvi Abdul Gofran.

(6) Maulvi Ashrafuddin Ahmad Chaudhury.

(7) Maulvi Nur Ahmed.

(8) Dr. Beni Madhab Das.

(9) Rai Kamini Kumar Das Bahadur, M.B.E.

(10) Babu Umesh Chandra Mutsuddi.

(*iii*) The members will hold office for the session 1930-31.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state what is the principle underlying the selection?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: With a view to secure representation of Chittagong district and other parts of the Chittagong Division.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether Nos. (4), (5), (6) and (7) were selected by virtue of their office.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: No.

Appointment of members to the Selection Committee for the Chittagong Medical School.

*20. **Hadji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) how many members have been appointed to the Selection Committee of the Chittagong Medical School;

(*ii*) how many of them are ex-officio and non-official;

(*iii*) on what principle those members have been appointed; and

(*iv*) how long the members will continue in their office?

(*b*) Is there any non-official Muslim member in the committee? If not, why not?

(*c*) Is there any opportunity at present to take non-official Muslim members into the committee?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) (*i*) and (*ii*) The member is referred to the reply given to his foregoing starred question.

(*iii*) The member is referred to the reply I have already given.

(*iv*) The member is referred to the reply given to his foregoing starred question.

(*b*) Yes, there are four non-official Muhammadan members on the Committee.

(*c*) It is not proposed to add to the Muhammadan representation on the Committee which has for all practical purposes finished its labours for the present session.

Dacca-Narayanganj Road.

*21. **Babu SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state when the expected allotment of rupees four lakhs and a half as recommended by the Provincial Road Board will be available for the Dacca-Narayanganj Road?

(*b*) Will the Hon'ble Minister be pleased to state what amount of the said grant will be available for the municipal portion of the said road?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The Government of India have sanctioned a grant of Rs. 1,00,000 from the Central Road Fund towards the reconstruction of the Dacca-Narayanganj Road and strengthening of bridges. Expenditure will begin when detailed estimates have been prepared and approved.

(*b*) This will be examined in the detailed estimates.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether the work should be by the local board or through the agency of the Public Works Department?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: That will depend on the decision which the Government arrives at after consultation with the Provincial Road Board.

Culvert at the junction of Jessore Road and Dharmapur Road.

*22. **Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that there is a broken culvert at the junction of Jessore Road and Dharmapur Road in the district of Jessore constructed by the Chairman, Bongaon local board, in 1887;

(*ii*) that the poor villagers, headed by Mr. H. N. Banerjee, appealed to the Chairman, district board, Jessore, on 19th August, 1929, and 13th November, 1929, to the Chairman, local board, Bongaon, and to the District Magistrate, Jessore, through the Subdivisional Officer, Bongaon, on the 29th August, 1929, but to no effect;

(*iii*) that a petition was made by Mr. H. N. Banerjee and others to the Secretary, Local Self-Government Department, on the 29th December, 1929;

(*iv*) that a reply was received from the Assistant Secretary of Local Self-Government Department by his No. 296, dated the 22nd January, 1930, forwarding the said petition to the Commissioner, Presidency Division;

(*v*) that the poor villagers received a reply from the local bodies that the said culvert is not in the schedule of roads, thus making the culvert *res nullius*?

(*b*) If the answers to (*a*), (*i*), (*ii*), (*iii*), (*iv*) and (*v*) are in the affirmative, will the Hon'ble Minister be pleased to say whether he is considering the desirability of pressing the local bodies to repair the said culvert without any further delay to save the sufferings of the poor villagers?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) (*i*) (*ii*) and (*v*) Government have no information.

(*iii*) and (*iv*) The answer is in the affirmative.

(*b*) Government do not propose to interfere with the discretion of the district board in a purely local matter like this.

Government officers in Calcutta.

*23. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a list of Government servants (office by office) as on 1st July, 1930, belonging to gazetted, subordinate and ministerial services drawing a monthly salary Rs. 150 and over in the Secretariat offices, offices of heads of departments and other subordinate offices in Calcutta?

(*b*) Will the Hon'ble Member be pleased to state the names of those—

(*i*) who are under the Civil Service Regulations and have completed 28 years of service and are between 50 and 55 years of age;

(*ii*) who are under the Fundamental Rules and have completed 30 years of service, and are between 50 and 55 years of age; and

(*iii*) who have either attained or are over 55 years of age and have been granted extensions of service?

(c) Will the Hon'ble Member be pleased to lay a statement on the table showing in regard to officers referred to in (b)—

(i) the monthly salary they are drawing at present, and the minimum value of their respective posts; and

(ii) which of them, if any, are drawing personal pay and what is the present yearly additional cost to Government on this account for each such officer?

(d) Will the Hon'ble Member be pleased to state whether the Finance Department was consulted and their concurrence was obtained in the matter of extension of service of each of those who are in receipt of personal pay?

(e) If the answer to (d) is in the affirmative, what were the grounds of public importance justifying the additional expenditure?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (a) to (c) The information asked for is not available and could not be obtained without a laborious inquiry which Government regret they are not prepared to undertake.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether a member of this Council is entitled to reply even though the information asked for is not available and could not be obtained without a laborious inquiry?

Mr. PRESIDENT: I am afraid I cannot allow that question.

Proposal to separate the office of the Legislative Department from that of the Legislative Council.

*24. **Kazi EMDADUL HOQUE:** (a) Will the Hon'ble Member in charge of the Legislative Department be pleased to state whether any committee has been formed to consider the separation question of the Legislative Department and Legislative Council office?

(b) Will the Hon'ble Member be pleased to state whether the President was consulted before the formation of such committee?

(c) If not, will the Hon'ble Member be pleased to state the reasons therefor?

(d) Will the Hon'ble Member be pleased to state whether the Hon'ble President and any of the movers of the separation resolution are members of the committee?

(e) If not, will the Hon'ble Member be pleased to state why they were not chosen as members of the said committee?

(f) Who are the members of the said committee?

(g) What report, if any, has been submitted by them?

(h) Has the report been submitted to the Hon'ble President for opinion?

(i) Has the President been asked to express any opinion on the proposals for the consideration of the members?

(j) Are the Government considering the desirability of reconstituting the committee in consultation with the Hon'ble President?

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (a) Yes.

(b) The President was not officially consulted.

(c) The appointment of the committee was due to the undertaking of the Member in charge of the Legislative Department, when replying to a resolution on the subject of separation of the Council office to convene a committee representative of the Council to inquire into the matter. The responsibility for giving effect to the promise thus made rested upon the Member himself.

(d) No. The resolution was moved by Srijut Nagendra Nath Sen who was no longer a member of the Council when the committee was formed.

(e) See the answer to (d). It was considered more appropriate that the Hon'ble President should not be exposed to possible embarrassment by being invited to serve on the committee and that his views should be separately obtained.

(f) The following are the members of the committee:—

(1) The Hon'ble Sir P. C. Mitter, KT., C.I.E. (Chairman).

(2) Mr. A. Raheem, C.I.E.

(3) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

(4) Mr. W. L. Travers, C.I.E., O.B.E.

(5) Sir Jadu Nath Sarkar, KT., C.I.E.

(6) Babu Jatindra Nath Basu.

(7) Mr. B. C. Chatterjee.

(8) Khan Bahadur Maulvi Azizul Haque.

(9) Nawab Musharruf Hosain, Khan Bahadur.

(g) and (h) The committee has not finished its labours and has submitted no report.

(i) Not yet. The member is referred to the answer to question (e).

(j) No.

Mr. SYAMAPROSAD MOOKERJEE: With reference to reply (*b*), will the Hon'ble Member be pleased to state whether the President was consulted as a private subject of His Majesty? (Laughter.)

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to my answer.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state how many other such private citizens have been consulted in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to say to a question of that kind.

Mr. PRESIDENT: The Hon'ble Member cannot criticise the question or the questioner.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether it would have been better to leave it to the Hon'ble President to decide whether he would be exposed to possible embarrassment by being invited to serve on the committee?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to my answer. (Laughter.)

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Member aware that by his deliberate omission of the Hon'ble the President from the committee he has flouted the House itself?

Mr. PRESIDENT: I am afraid I cannot allow that question as you have used the word "deliberate." If you omit the word the question is in order.

Mr. SYAMAPROSAD MOOKERJEE: I will omit the word. Will the Hon'ble Member be pleased to state whether the omission of the Hon'ble the President from the committee constitutes a flouting of the House itself?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to take note of the general feeling of the House that the Hon'ble President should be a member of the committee?

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state how was the President consulted and what were his suggestions, if any?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to my answer.

Maulvi SYED MAJID BAKSH: I want to know for how many times the Hon'ble Member is entitled to repeat the same reply? (Laughter.)

Kazi EMDADUL HOQUE: Is the Hon'ble Member aware that the President is vitally interested in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: Certainly.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether he is aware that Mr. A. F. Rahman, whose resolution was moved by Srijut Nagendra Nath Sen, is not a member of the committee?

The Hon'ble Sir PROVASH CHUNDER MITTER: I may state that an inquiry was made and it was ascertained that it would not be convenient for him to serve on the committee. I say this from memory and subject to correction.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether the Hon'ble President was officially consulted?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to my answer. (Laughter.)

***25. Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Member in charge of the Legislative Department be pleased to state whether a committee consisting of some members of the Bengal Legislative Council, with himself as its Chairman, has been formed to consider the advisability of creating a Council Department, quite independent of the Legislative Department?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what is the composition of the committee?

(*c*) Why was not the Council given an opportunity of selecting its representatives on the committee?

(*d*) Was the selection made in consultation with the Hon'ble President of the Council? If not, why not?

(*e*) Is the Secretary of the Legislative Department a member of the committee or does he attend the meetings?

(*f*) What work has the committee done up till now?

(*g*) When is the committee expected to finish its labours and published its report?

(*h*) Will the Hon'ble Member be pleased to state whether the report will be placed before the Council for discussion?

(*i*) Will the Hon'ble Member be pleased to state whether the committee has invited or proposes to invite the Hon'ble President of the Council for an expression of his opinion on the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*), (*b*) and (*d*) The member is referred to the answers to the previous questions asked by Kazi Emdadul Hoque.

(*c*) The Council did not make any such suggestion. The committee was formed by following the normal procedure in such cases as set out in the answer to clause (*c*) of the question by Kazi Emdadul Hoque.

(*e*) No. The Secretary attends the meetings as Secretary of the Legislative Department.

(*f*) The committee has held one meeting at which preliminary issues were discussed.

(*g*) In the near future.

(*h*) The report will be made available to members of the Council in due course.

(*i*) This matter has been considered by the committee and steps will be taken to secure the fullest opportunity for an expression of the President's views.

Mr. SYAMAPROSAD MOOKERJEE: With reference to reply (*h*), will the Hon'ble Member be pleased to state whether Government proposes to place the report before the House for discussion?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot definitely say at this stage, but very probably, yes.

Mr. SYAMAPROSAD MOOKERJEE: With reference to reply (*i*), will the Hon'ble Member be pleased to state whether the official views of the President have now been obtained?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to my answer. (Laughter.)

Kazi EMDADUL HOQUE: With reference to reply (*i*), will the Hon'ble Member be pleased to state whether it is not a fact that the President expressed unwillingness to serve in the committee?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not that I am aware of.

Maulvi ABUL KASEM: Sir, the question (*d*) was to the effect whether the President was consulted or not, and if not, why not. But the answer given is no answer at all.

Mr. PRESIDENT: You cannot argue. If you have any supplementary question to put, you may put it.

Maulvi ABUL KASEM: The original question was————

Mr. PRESIDENT: I should like to impress on you that I cannot allow an argument on the point you have raised. You can put a supplementary question, if you so desire, for the purpose of further elucidating the matter.

Maulvi ABUL KASEM: I want to know why the President was not consulted.

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add to my answer. (Laughter.)

Peripatetic dispensaries in the 24-Parganas.

*28. **Babu SARAT CHANDRA MITTRA:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether there is any existing arrangement for peripatetic dispensaries to visit the district of 24-Parganas during outbreaks of epidemics of cholera and small-pox?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how many such dispensaries were in work in the 24-Parganas during the year 1929-30?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) Peripatetic epidemic doctors are appointed during outbreak of cholera who move about from place to place with necessary medicines and disinfectants and the medical officers in charge of the permanent dispensaries and kala-azar centres also treat cholera cases whenever required. Regarding small-pox preventive measures are taken by Assistant Health Officers, the Sanitary Inspectors, Health Assistants and Sub-Inspectors of Vaccination.

(*b*) Temporary: Epidemic doctors—9; Doctors in charge of permanent dispensaries—37; Doctors in charge of kala-azar centres—46.

Simon Commission Recommendations and Landholders' interest.

***27. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether his attention has been drawn to the following resolutions which were passed by the Conference of Landholders held in Calcutta on the 13th July, 1930:—

(*i*) Reserving its comments on various other recommendations on the Simon Commission for a future occasion this Conference views with great dissatisfaction the suggestions put forth by the Simon Commission to the effect that the special protections furnished by the Government of India Act to the landholders of India by creating for them an electorate of their own as a special measure of representation to the legislative councils, may be withdrawn.

(*ii*) That in the opinion of this Conference it was highly injudicious for the Simon Commission to have come to so far-reaching a conclusion on the basis of results accidentally achieved by certain landowners who stood for election to various legislatures in India from general constituencies, being eligible for election by such constituencies for possessing necessary qualifications other than those which entitled them to seek elections from electorates composed of their own class.

(*iii*) That this Conference holds that a landowner returned by a general constituency is likely to lose his identity as a unit of the distinct class to which he belongs in order to embrace the policy of that general constituency and the landholder who may be nominated, if need be, in the event of the Governor exercising his discretionary power proposed to be given to him in connection therewith under arrangement recommended by the Commission will not be a representative of the distinct class to which he belongs in the same sense as a representative duly elected by them.

(*iv*) That this Conference seriously disapproves of the attitude of the Simon Commission towards the formation of upper houses in all the provinces of India after the British or Colonial models as a safeguard against all sweeping changes?

(*b*) Will the Hon'ble Member be pleased to state what action, if any, is being taken on those resolutions?

(*c*) Have the Government of Bengal in their review of the Simon Commission recommendations supported or opposed the formation of an upper house and special landholders' electorates for Bengal?

(*d*) If the answer to (*c*) is in the affirmative, what are the reasons for the support or opposition as the case may be?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) to (*iv*) No such resolutions have been communicated to Government.

(*b*) Does not arise.

(*c*) The Local Government are not at this stage at liberty to disclose their conclusions on a review of the Report of the Statutory Commission.

(*d*) Does not arise.

Number of persons convicted in connection with the civil disobedience movement.

***28. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the number of persons convicted for political offences in Bengal since the 1st April, 1930; and

(*ii*) the number of persons arrested and under trial?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) The number of persons reported to have been convicted in connection with the civil disobedience movement up to the end of July is 4,303.

(*ii*) The information is not available.

Assessment within the Feni union board, Noakhali.

***29. Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state separately what amounts the Government, the Tripura Estate, Law Estate and Assam-Bengal Railway Company are paying as union rate under sections 37(*a*) and (*b*) of the Village Self-Government Act in the Feni union of the Noakhali district?

(*b*) What amounts they paid annually before the introduction of the Village Self-Government Act when it was a union committee under the Local Self-Government Act?

(c) (*I*) Is it a fact that there were conservancy and street lighting arrangements in the town of Feni during the time of the union committee?

(2) Is it a fact that street lighting arrangement had to be stopped since the introduction of the Village Self-Government Act in this town?

(3) Is the Hon'ble Minister aware that this is due to reduction of revenue owing to the bar provided by section 38 of the Village Self-Government Act and rule No. 4 of the rules framed by Government under section 101 of the said Act?

(d) What is the number of holdings in occupation of the Government, the Assam-Bengal Railway Company, the Tripura Estate, the Feni College, the Law Estate, within the same union?

(e) Is it a fact that Mr. Swan and Mr. Cook, the then Commissioners of the Chittagong Division, visited the office of the said union board?

(f) If so, what are their remarks on the above points?

(g) Are the Government aware that the wealthier persons in occupation of several holdings in the union are enjoying greater benefit at less costs, and at the expense of the poorer section, on account of the said bar of imposing maximum tax and the poor persons had to pay comparatively much higher rate?

(h) Will not the Government consider the desirability of adding a provision to the said section of the Village Self-Government Act to the effect that where there are conservancy arrangements this bar will not apply or of adding a provision similar to that provided in section 118C of the Local Self-Government Act and thus make an amendment of Village Self-Government Act as recommended by the said Commissioners?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (a) Rs. 84.

(b) Government Rs. 528; Tripura Estate Rs. 130; Law Raj Estate Rs. 120.

(c) (1) Yes.

(2) Yes.

(3) Yes; this appears to be due to the limitation placed on local rates by the Village Self-Government Act.

(d) Number of Government holdings 20
Number of Assam-Bengal Railway holdings ... 25
Number of Tripura Estate holdings 14
Number of Law Raj Estate holdings ... 12
Number of Feni College holdings 6

(e) Yes.

(f) Extracts are placed on the table.

(*g*) The assessment made is reported to be fair and equitable as between the wealthier and poorer classes. The assessment on the Government, the Assam-Bengal Railway, the Tripura Raj Estate, etc., has been made in conformity with section 38 of the Village Self-Government Act and rule 4 of the Rules framed under Government notification No. 1998 L.S.-G., dated the 3rd July, 1920, copies of which are placed on the table.

(*h*) The suggestion requires examination.

Extracts referred to in the reply to clause (f) of starred question No. 29.

EXTRACT FROM THE INSPECTION NOTE OF MR. J. A. L. SWAN, COMMISSIONER, CHITTAGONG DIVISION, DATED 10TH FEBRUARY, 1926.

I inspected the work of the Feni union board this morning accompanied by the Subdivisional Officer and the Circle Officer. This union board was formerly a union committee under the Local Self-Government Act and the change to a union board under the Village Self-Government Act has not been in all respects a good one as the board is limited to a maximum tax of Rs. 84 on any one assessee under section 38 of the Act. The result is that for all its holdings in Feni, Government only pays Rs. 84 a year and Government officers living in Government buildings escape tax free. This is anomalous especially as the union board gives latrine service for which these officers pay nothing. The board claims that the cost of this service alone for Government buildings exceeds the total tax payable by Government. It is equally anomalous that in return for a tax of Rs. 84 the school and college hostels containing perhaps three hundred inmates should get a latrine service. Section 38 of the Act seems to me to require amendment so as to provide especially for the cases of unions containing small towns. Feni unfortunately cannot be formed into municipality as it does not comply with the conditions laid down in the Municipal Act, less than 75 per cent. of the people being employed in occupations other than agriculture.

The result of bringing the union under the Village Self-Government Act and thereby reducing its income is that some of its activities have had to be abandoned. Formerly it undertook road watering and some of the roads were lit. It is now unable to continue those services.

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EXTRACT FROM THE INSPECTION NOTE OF MR. A. W. COOK, OFFICIATING COMMISSIONER, CHITTAGONG DIVISION, DATED 20TH MAY, 1924.

Union Board, Feni.

The great question here is with regard to assessment. This was formerly a union committee and make into union board when the

Village Self-Government Act was introduced. The result was that the assessment, especially on Government and Tippera Raj buildings, fell enormously. Its situation is due to a restricted interpretation of section 37, and rule 4 (notification 1998 L. S.-G. of 3rd July, 1920, regarding assessment).

I am strongly of opinion that the Government rate of Rs. 84 should cover only buildings which are used for public purposes, i.e., courts, thana and such-like. Residences should not be included as the tax is clearly to be levied on owners or occupiers. There is nothing in the Act to say when this assessment may be made on the occupier.

The amount raised last year under 37 (*b*) was Rs. 2,549. This did not allow of retention of "Lighting" and conservancy was restricted. The tax collected under union committee was Rs. 3,152. This year the district board has reduced its allotments to Rs. 700 from Rs. 1,200. This difference must be made up or the services will be again reduced.

* * * * *

Section 38 of Village Self-Government Act, V of 1919, referred to in the reply to clause (g) of starred question No. 29.

Nature of assessment.

38. (1) The rate to be imposed by a union board under section 37 shall be an assessment according to the circumstances and the property within the union of the persons liable to the same:

Provided that the amount assessed upon any person in any one year shall not be more than eighty-four rupees.

(2) Any person who, in the opinion of the union board, is too poor to pay half an anna a month shall be altogether exempted from payment of any rate under this Act.

Rule 4 referred to in the reply to clause (g) of starred question No. 29.

ASSESSMENT RULES PUBLISHED WITH NOTIFICATION NO. 1998 L. S.-G., DATED 3RD JULY, 1920.

* * * * * *

4. The Government or a local authority or a railway company owning or occupying buildings in the union may be assessed in consideration of the annual value of the total property which the Government or such authority or railway company may possess within the union:

Provided that the total amount of the rate annually payable by the Government or such authority or railway company to the union board shall not exceed the maximum of Rs. 84.

Explanation (1).—The gross annual rent which the property might be reasonably expected to fetch shall be deemed to be the annual value thereof.

Explanation (2).—If the property consists of land and building and the actual cost of the erection of the building can be ascertained or estimated, the annual value of the property shall in no case be deemed to exceed an amount which would be equal to seven and a half per-centum on the cost of the building in addition to a reasonable ground rent for the land comprised in the property.

Note.—Railway companies are not liable to payment of the union rate until they are notified as liable under section 135, Indian Railways Act, 1890 (IX of 1890).

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether this is the first time that his attention has been drawn to this subject?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Yes, certainly of the present Minister.

Khan Bahadur Maulvi AZIZUL HAQUE: Am I to understand that there should be no continuity in the policy of the department simply because Ministers are changed every now and then?

Maulvi ABUL KASEM: Are the Government prepared to consider the suggestion put forward in the question?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It would be considered.

Maulvi ABUL KASEM: I want to know whether since the 3rd of July, 1914, Government in the Local Self-Government Department has made any attempt to examine this question?

Mr. PRESIDENT: That is an insinuation.

Dr. NARESH CHANDRA SEN GUPTA: Having regard to the answer to question (*c*) (*3*) are the Government considering the question of amending the Village Self-Government Act and the rules thereunder, or in the alternative, of converting the union committees into municipalities?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The question will be considered in due course.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state how long the department will take to consider this question?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: That depends upon the relative importance of this question along with others lying in the department.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state as to how long does he take to consider the relative importance of a particular question?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The Minister is a human being and he takes such time as an ordinary human being does to judge the relative importance of a question.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether the union committee was doing certain services to the public until it ceased to be a committee?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It is open to the people of Feni themselves to have it declared to be a municipality.

Unstarred Questions

(answers to which were laid on the table).

Allegation of assaults in the Alipore Central Jail on the 22nd April, 1930.

25. Mr. NARENDRA KUMAR BASU: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) if any inquiry has been held into the occurrences in the Alipore Central Jail on April 22, 1930, when cowardly assaults upon convicts and undertrial prisoners were alleged to have been made;

(*ii*) if so, by whom; and

(*iii*) with what results?

(*b*) Who was responsible for the communiqué issued by the Government regarding this matter which was published in the Calcutta papers of April 24, 1930, which contained the statement proved to be false by the joint report of Colonel Denham-White and Dr. B. C. Roy issued later that Mr. Subhas Bose had not been rendered unconscious?

(c) Will the Government be pleased to state if steps will be taken to prevent the dissemination of such news through official communiqués in future?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (a) The member is referred to the reply given to starred question No. 12 asked by Dr. Naresh Chandra Sen Gupta in this session.

(b) The statement referred to is doubtless that communiqué published on the 24th April which commences with the words "The Superintendent of the Jail reports." This communiqué was a correct summary of the most reliable information at that time in the possession of Government, namely, the Superintendent's preliminary report. It does not contain any statement that Mr. Subhas Bose had not been rendered unconscious by the fall which it describes, nor were Government in a position to assert what was subsequently stated before Colonel Denham-White and Dr. B. C. Roy, namely, that Mr. Bose lost consciousness for a time.

(c) Government have in the past and will in the future issue communiqués to allay the excitement of the public when such excitement is based on maliciously false rumours. Such communiqués have been and will continue to be as accurate and full as is compatible with prompt publication.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether he found that the Government communiqué based on the preliminary report was guilty of *suppressio veri* and *suggestio falsi* and whether steps will be taken for the discussion of

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Mr. PRESIDENT: I cannot allow that question.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (b) did the Hon'ble Member take any steps to ascertain independently of the report whether the report was correct?

The Hon'ble Sir PROVASH CHUNDER MITTER: The matter was fully discussed yesterday. I have nothing further to add to what I have said already.

Mr. SYAMAPROSAD MOOKERJEE: On a point of order, Sir: You gave a ruling a little before that a member should not impute motives. May I draw your attention to answer (c) in which the Hon'ble Member has used the phrase "maliciously false rumours?" Is he in order to use the word "maliciously?"

Mr. PRESIDENT: Perchance the answer was printed long before I gave my ruling. (Laughter.)

Number of persons convicted for political offences and detained under the Bengal Ordinance.

26. Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) how many persons, male and female, have been convicted for political offences in Bengal since April, 1930;

(*ii*) how many of them are in jail;

(*iii*) how many persons have been bound over under sections 107 and 108, Criminal Procedure Code, in respect of such offences during the same period;

(*iv*) how many of them are in jail in default of security; and

(*v*) how many people have been detained under the Bengal Ordinance No. I of 1930, and where?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) The number convicted in connection with the civil disobedience movement up to the end of July is 4,303.

(*ii*), (*iii*) and (*iv*) Government are not in possession of this information.

(*v*) One hundred and fifty-eight. Government are not prepared to state where they are detained.

Post of Assistant Surgeon at Cox's Bazar.

27. Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state why the post of Assistant Surgeon has been abolished in the Cox's Bazar subdivision and a Sub-Assistant Surgeon has been posted there?

(*b*) Is it a fact that within the subdivisional area of 100 miles there is only one medical officer?

(*c*) Is it a fact that the Surgeon-General of Bengal in reply to a deputation during his last visit held out a hope to post an Assistant Surgeon at Cox's Bazar?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The Assistant Surgeon was withdrawn from Cox's Bazar as from an administrative point of view, his retention there was found unnecessary.

(*b*) There are three dispensaries in the Cox's Bazar subdivision besides that at Cox's Bazar.

(*c*) General Tate reported, after receiving a deputation in Cox's Bazar that local people would be prepared to subscribe towards the pay of an Assistant Surgeon and he was informed that an Assistant Surgeon can be posted to Cox's Bazar if the difference between his pay and that of a Sub-Assistant Surgeon is found locally under rule II (*i*) of the Dispensary Rules.

Barrackpore Society of Prevention of Cruelty to Animals.

28. Babu PROFULLA KUMAR CUHA: (*a*) Is the Hon'ble Member in charge of the Police Department aware that a Society known as Barrackpore Society of Prevention of Cruelty to Animals has been formed at Barrackpore?

(*b*) Has any representation been received from the above Society for an annual grant?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have been taken in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) Yes

(*c*) The Society have been informed that Government are unable to make any grant to them during 1930-31 and they have been asked to renew their application for grant for 1931-32. The application when received will be given due consideration.

Posting of a Moslem officer in charge of the Dacca Sadar (South) subdivision.

29. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether any Moslem officer was placed in charge of the Dacca Sadar (South) subdivision for the last four years?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of appointing a Moslem officer for this subdivision?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The answer is in the negative.

(*b*) Not at present.

Posting of a European Magistrate at Dacca for the trial of cases arising out of the recent disturbances.

30. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether the Government are considering the desirability of deputing a special officer for the trial of the communal cases at Dacca?

(*b*) If so, will the Hon'ble Member be pleased to state whether a European officer will be deputed for the purpose?

(*c*) Is the Hon'ble Member aware that the general demand of the Moslems of Dacca is that the communal cases should be tried by a European Magistrate?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, they have taken in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) to (*d*) A European Deputy Magistrate has been posted to Dacca to assist in the trial of cases arising out of the recent disturbances.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether the European Deputy Magistrate, posted to Dacca for trying cases arising out of recent disturbances, has been appointed in response to the alleged demand of the Mussalmans of Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: Government made the appointment of their own accord.

Secretaries, Calcutta Medical College.

31. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the two posts of Secretaries recently created for the Medical College, Calcutta, are soon going to be filled up?

(*b*) Is it a fact that men outside the medical service will be taken in?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of reserving one of those two posts for qualified Moslem candidates?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The term of appointment of the present incumbents expires in October next. Government have not decided whether their services should be extended or other arrangements made.

(*b*) and (*c*) See reply to (*a*).

New schemes of the Bengal Secretariat and other attached offices.

32. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing the name and value of new schemes of the Secretariat and other attached offices which have been—

(*i*) turned down by Government on account of financial stringency; and

(*ii*) administratively approved but unprovided for in the Budget?

(*b*) Are the Government considering the desirability of retiring officers especially those on extensions of service and of giving effect to the schemes referred to in (*a*) from the savings thereby effected?

The Hon'ble Mr. A. MARR: (*a*) (*i*) and (*ii*) The information is not available and could not be obtained without a laborious inquiry which Government regret they are not prepared to undertake; but the member is informed that the number of administratively approved schemes awaiting finance is very large.

(*b*) No.

Muhammadan police officers in charge of police-stations in the northern portion of Sadar subdivision, Bakarganj.

33. Maulvi MUHAMMAD HOSSAIN: Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) the number of police-stations in the northern portion of the Sadar subdivision of the Bakarganj district; and

(*ii*) the number of Muhammadan officers in charge of them?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Three, viz., Gournadi, Muladi and Hizla.

(*ii*) None.

Maulvi MUHAMMAD HOSSAIN: Will the Hon'ble Member be pleased to state the source of his information?

The Hon'ble Mr. W. D. R. PRENTICE: The information given was supplied by the District Officer.

Transfer of Deputy and Sub-Depufy Collectors from the place of their posting.

34. Mr. A. K. FAZL-UL HUQ: (*a*) With reference to the reply given to unstarred question No. 44 at a meeting of the Legislative Council held on the 10th February, 1930, will the Hon'ble Member in charge of the Appointment Department be pleased to state what steps, if any, have been taken in transferring officers of the rank of Deputy and Sub-Deputy Collectors from the place of their posting in a district or a division where they have been retained for more than five years?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the names of officers of the above rank who were holding posts for more than five years in a particular district or a division who have since the above question was put been transferred; and

(*ii*) the names of those officers who have still been retained in their respective districts or divisions for more than three years?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The question of the transfer of these officers was taken up and some general orders were issued. But in view of the disturbed condition of the province they were subsequently held up and at present officers are being transferred only in accordance with the needs of the public service and not merely on account of the length of their service in one place. When normal conditions return, the general orders will again be brought into effect.

(*b*) The numbers are—

(*i*) 2 Deputy Collectors, 7 Sub-Deputy Collectors;

(*ii*) 15 Deputy Collectors, 219 Sub-Deputy Collectors.

Government are not prepared to give the names of these officers.

District board receipts from the Public Works cess.

35. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the total amount Government pays to district boards annually out of the proceeds of the public works cess in Bengal?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: From figures for the last three years given below the district board receipts from the public works cess may be taken to average about Rs. 39,00,000 per annum:—

	Rs.
1925-26	38,99,041
1926-27	38,71,286
1927-28	39,84,488

Discharge of Babu Tirtha Gopal Pal from the Calcutta Medical College Hospital.

36. Rai Bahadur SATISH CHANDRA MUKHARJI: *a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether his attention has been drawn to the verdict of the Jury at the inquest held on the death of Babu Tirtha Gopal Pal, who was admitted into the Calcutta Medical College Hospital on 31st December, 1929, at about 9-30 p.m., being knocked down by a motor car in Cornwallis Street, Calcutta, and was subsequently discharged from the hospital on 2nd January, 1930, in an unconscious state and against the wishes of the relatives?

(*b*) Is it a fact that the injured person subsequently died in a relative's house without regaining consciousness and in the opinion of the Jury and the Coroner of Calcutta the injured person should not have been discharged from the hospital?

(*c*) Is it a fact that the injured person was examined by Rai Dr. Haridhan Dutt Bahadur, M.L.C., of Calcutta, in the morning of 3rd January, 1930, who stated before the Coroner and Jury that he was surprised to learn that the patient had been discharged from the hospital the previous night?

(*d*) Is it a fact that the House Surgeon and the Resident Surgeon of the Calcutta Medical College gave evidence at the Coroner's inquest but failed to render satisfactory explanation for the action?

(*e*) Is it a fact that a relative of the deceased has written to the Surgeon-General, Bengal, complaining about the conduct and behaviour of the Calcutta Medical College Hospital staff and praying for an inquiry into the matter?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any inquiry has been made into the matter; if so, with what result?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) Government have seen the verdict of the Coroner's Jury referred to which does not, however, record any finding as to the consciousness or unconsciousness of the patient at the time of discharge or consent of the relatives.

(*b*) This was the finding at the inquest.

(*c*) Rai Dr. Haridhan Dutt Bahadur, M.L.C., gave evidence to this effect.

(*d*) The House Surgeon and the Resident Surgeon gave evidence. It is not commented on in the verdict at the inquest.

(*e*) Yes.

(*f*) Government have already inquired into the matter and accept the opinion of the Surgeon-General and the Principal of the College that there was a mistake in diagnosis which though unfortunate might easily occur. The attention of medical officer concerned has been drawn to the case.

Compensation to the relatives of the persons who lost their lives as a result of police firing at Calcutta on the 1st April, 1930.

37. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: (*a*) Has the attention of the Hon'ble Member in charge of the Police Department been drawn to a representation made by the Bengal National Chamber of Commerce suggesting that the relatives of the innocent persons, who lost their lives as a result of the police firing on the mob at Calcutta on the 1st April last should be granted some compensation?

(*b*) What action, if any, do the Government intend to take in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) None.

Bengal representatives to the Round Table Conference.

38. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Will the Hon'ble Member in charge of the Appointment Department be pleased to state when the names of the representatives from Bengal to the Round Table Conference are likely to be published?

The Hon'ble Mr. W. D. R. PRENTICE: Government have no information on this matter.

Use of meters on taxi-cabs in the mufassal.

39. Mr. E. C. ORMOND: (*a*) Is the Hon'ble Member in charge of the Police Department aware that taxi-cabs plying for hire to and from the Naihati station, Eastern Bengal Railway, have no meters and no fixed tariffs?

(*b*) Is the Hon'ble Member aware that horse ticca gharris have fixed tariffs?

(*c*) If so, are the Government considering the desirability of taking necessary steps in the matter to compel the use of meters on taxi-cabs in this area?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Government are aware that outside Calcutta (including suburbs) and Howrah motor-cars plying for hire for conveyance of passengers are not fitted with taxi-meters and have no legally fixed tariffs.

(*b*) In areas to which the Hackney Carriage Act, II of 1891, applies, tariffs for hackney carriages have been fixed.

(*c*) Rules for the better control of motor vehicles plying for hire for the conveyance of passengers in the mufassal, including rules for the fixing of maximum rates of fares, are at present under consideration. The question of the compulsory use of taxi-meters on motor-cabs in special areas will receive due consideration.

Mr. C. C. COOPER: Will the Hon'ble Member be pleased to state whether these taxi-cabs are licensed?

The Hon'ble Mr. W. D. R. PRENTICE: They are licensed as vehicles for the conveyance of passengers.

Nomination of Councillors of the Calcutta Corporation.

40. Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state why no member of the Ooriya community has been nominated as a Councillor of the Calcutta Corporation during the last six years?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: It is impossible to find representation for all communities settled in Calcutta among the ten nominees of Government.

Provision for purchase of books for the Bengal Legislative Department Library.

41. Mr. BIJOY PRASAD SINGH ROY: (*a*) Will the Hon'ble Member in charge of the Legislative Department be pleased to state what amount has been provided for the purchase of books for the Bengal Legislative Department Library this year?

(*b*) Is the Hon'ble Member aware that only a few books could be purchased this year for want of funds?

(*c*) Will the Hon'ble Member be pleased to consider the desirability of increasing the grant in the next year's budget?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Rs. 3,000.

(*b*) No. The grant this year is the same as previously, and no inconvenience has been experienced.

(*c*) The matter will be considered before the next year's budget is prepared.

Grant to union boards for payment to village panchayats.

42. Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government of Bengal has any intention of making a grant to the union boards to enable them to pay a grant of Rs. 300 to each of the village panchayats for his first year's expenses on the lines of the grants to gram-panchayats in the Central Provinces under the Village Self-Government Act of that province?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: The answer is in the negative.

Local boards.

43. Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether he has come to any decision in regard to local boards whose future has been under consideration of the Government for many years now?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Government do not propose to make any change in the position of local boards just at present.

Superintendent, Orphangunge Market, Kidderpore.

44. Maulvi MUHAMMAD SAADATULLAH: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether any Muhammadan Sub-Deputy Collector has been appointed to the post of Superintendent, Orphangunge Market, Kidderpore, since the appointment was thrown open to Sub-Deputy Collectors?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to give reasons for the same?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) No Muhammadan has been appointed to the post since it was thrown open to Sub-Deputy Collectors.

(*b*) The appointment to this post is made by the Board of Revenue, which selects the most suitable officer available when the vacancy occurs.

Barasat Charitable Dispensary.

45. Maulvi MUHAMMAD SAADATULLAH: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that there is much financial difficulty in the maintenance of and in meeting the requirements of the Barasat Charitable Dispensary in the district of the 24-Parganas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps the Government propose to take for the upkeep of the dispensary?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The statements of income and expenditure in the latest returns do not disclose any financial difficulty.

(*b*) Does not arise.

The Budge-Budge Municipality.

46. Maulvi MUHAMMAD SAADATULLAH: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*a*) whether the Department of the Director of Public Health has ever looked into the sanitary condition of the Budge-Budge Municipality in the district of the 24-Parganas?

(*b*) If so, what steps, if any, have been taken to cause an improvement in this direction?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) This municipality was last inspected by the Assistant Director of Public Health on the 28th and 31st May, 1929.

(*b*) A copy of the Proceedings of the Sub-Committee appointed to deal with the matter, at a meeting on the 21st February, 1930, is laid on the table.

Copy of minutes of the Proceedings of the Sub-Committee as per resolution No. 7, dated the 21st February, 1930, referred to in the reply to clause (b) of unstarred question No. 46.

PRESENT:

1. Babu Hara Lal Haldar, Chairman, in the chair
2. Babu Bhabtaran Chatarji, Commissioner.
3. Dr. Surendra Nath Ghosh, M.B.

Resolutions.

1. Considered further the inspection report by the Assistant Director of Public Health, Bengal, forwarded by the Director of Public Health, Bengal, under cover of his memorandum No. 10819-G., dated the 27th August, 1929.

Resolved that the subject of registration of births and deaths be notified by beat of drums once every quarter according to law, as the Committee is of opinion that non-registration is due to ignorance of law.

Further resolved that a reference be also made to the Director of Public Health if the registered *dais* may be appointed as informers of births on a nominal remuneration of one anna for reporting every individual birth.

2. Resolved that inasmuch as attention is being paid to all other points dealt with in the inspection note detailed replies are not necessary.

H. L. HALDAR,
President.

The 23rd May, 1930.

3-30 p.m.

GOVERNMENT BUSINESS.

Demand for grant.

26.—Police.

The Hon'ble Mr. W. D. R. PRENTICE: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 8,78,000 be granted under the head "26.—Police" for the current financial year to meet anticipated extra expenditure in connection with civil disobedience and other similar movements.

The details of this demand have been given in the memorandum which has been circulated to members of this Council. I do not propose to go through every item in that memorandum but would only explain broadly what the demand is and why it is asked for. The demand falls naturally under three main heads (1) the demand for the Calcutta Police, (2) the demand for the Bengal (ordinary) Police and (3) the demand for the Criminal Investigation Department.

In Calcutta we ask for money to pay for a detachment of the Assam Rifles which was brought down here during the course of the hot weather to assist in maintaining the reserve for the security scheme. Three hundred men were originally brought down and when conditions improved the number was reduced to 200. We propose to reduce this number still further in the middle of this month, and if conditions continue as peaceful as they are at present we propose to reduce the whole detachment by the end of September.

The necessity for this detachment was that there is a security scheme for Calcutta which provides that in times of trouble most of the police are posted at various strategic points and the remainder are held in reserve at headquarters and are available to deal with any serious trouble that may arise. Owing to the generally disturbed conditions in the province and to the incident at Chittagong it was necessary to provide guards for several places in Calcutta for which guards were not originally

provided, and in addition we had to increase the guards on other buildings. Further, it was decided to strengthen the security scheme in certain directions. The result was that when these extra demands had been met there was no reserve left at headquarters. As members will realise a security scheme without a striking force in case of need is not satisfactory. Government decided, therefore, to ask the Assam Government for the loan of a detachment of the Assam Rifles and we are grateful to the Assam Government for acceding to our request. Both officers and men have been of the greatest use in dealing with the troubles in Calcutta and of the greatest assistance to the Commissioner of Police in the discharge of his onerous duties.

The second main item of the demand is the demand for six motor lorries which were bought in order to increase the mobility of the police by enabling them to get to the various places of disturbance in the shortest possible time and also by providing a moving force in dangerous areas. In such areas the police are continuously touring round so that if trouble shows any sign of beginning it is nipped in the bud and not allowed to grow. This purchase of motor lorries of course involves both an initial and a recurring expenditure but it is in the end an economy because it makes the force more mobile and we can deal with trouble with a smaller force.

The third item is a demand for *batta*. I will deal with this when discussing the same class of demand in connection with the Bengal Police.

Under the Bengal Police the main item is the demand on account of the increase that Government has sanctioned in the armed reserve, namely, a temporary increase for one year of 500 men with their complement of officers. The reason for that sanction was that the police force of Bengal is designed for normal conditions The provincial reserve is scattered throughout the province as part of the district reserve, and the scheme is that when trouble arises in one area we should be able to call upon the various districts to supply detachments to form a striking force for the area in which trouble has arisen. But when the trouble becomes universal, as has been the result of the civil disobedience movement, naturally when the districts are called on to give up their portion of the reserve for service elsewhere, they say that charity begins at home, and that there is trouble in their own districts and they are unwilling to give up their portion of the reserve. Government was accordingly driven to recognise that these objections were based on solid fact and that an unsafe margin of safety remained, and they, therefore, decided to increase the reserve by authorising the Inspector-General of Police to enlist another 500 men for the armed force. That force has not yet come into actual being because it naturally takes some time to train the men that have been recruited for it. The position in Bengal is further complicated by the fact that conditions in certain districts

have made it necessary to sanction the posting of additional police in certain disturbed areas under section 15 of the Police Act. Up to the present we have sanctioned an additional police force of about 260 under section 15. It is perfectly obvious that if we sanction additional police under section 15 because of the dangerous condition of certain districts we have at once to send trained men to these districts and we have to get these men by taking trained men from other districts and then have to recruit against those vacancies. Hence our total recruitment will be not only 500 extra men for the additional reserve but also 260 men against the 260 men who have been stationed as additional police in disturbed areas. This recruitment amounts to 760 in all and, while we have been able to recruit a certain number of trained ex-army men, the majority of the recruits have had to be sent to Sardah for training and will not be available until the end of September or October. We are thus still working with a force below that which we consider is required by the conditions in Bengal. I do not know whether members realise how heavy the demand on the police force is at present. I will give you one instance—that of the district of Midnapore—where the local officers have been battling with the civil disobedience movement for the last three or four months. There we have at present about 400 extra police in addition to 240 additional police sanctioned under section 15 of the Act. That means that one result of the civil disobedience movement is that about 640 extra police are being used in one district of the province alone, and I am afraid conditions are such that we shall probably have to increase the force still further. That is the only benefit that Midnapore is getting out of the civil disobedience movement.

The other main item in the demand for the Bengal Police is the payment to Assam for the loan of a detachment of 100 Assam Rifles for operations in Chittagong as a result of the incident of the 18-19th April. There again Assam very generously responded to our request for assistance and lent us 100 men to assist in the operations. They were detained for one month. In addition there is an item of Rs. 1,966 for payment for an aeroplane which was sent down at the request of the local officers to aid them in the search for the absconders who had taken shelter in the hills adjoining Chittagong.

The third main item is for an extra allowance of *batta*. Members must admit, whatever may be their feeling about the conduct of the police, that the police have been giving long and continuous service under the most arduous conditions ever since the civil disobedience movement began and I am certain that on the whole the province is grateful to all the members of the police for the loyalty they have shown in the most discouraging circumstances. Government recognize that conditions are entirely abnormal and it is not fair to ask the men of the force to feed themselves at all times and in all places out of their own pay, and therefore they have decided to give *batta* not only in Calcutta

but also in the mufassal. But they have not granted it in the form of an additional monthly pay; they limit it to an extra payment for the days on which the police are on abnormal duty. The allowance for Bengal and Calcutta is the same: In the case of an inspector, sub-inspector or sergeant the allowance is Re. 1 a day and in the case of a head constable or constable 6 annas a day. Correspondingly in the Eastern Frontier Rifles a subadar or a jamadar gets Re. 1 a day and a havildar or a sepoy 6 annas a day. In Calcutta it is paid to those who spend more than six hours on continuous street duty in connection with disturbances, actual or threatened, due to the civil disobedience movement or similar causes. In the Bengal Police it is given to men who are detained for suppression and prevention of disorder due to the civil disobedience and similar movements away from their normal head-quarters, and in the actual suppression or prevention of disorder due to the above causes. In the Eastern Frontier Rifles who are maintained as a special force to deal with those disturbances, it is only paid when they are actually employed on the actual suppression or prevention of disorders brought about by the civil disobedience movement and other causes. These are the main items in the demand which I put forward on behalf of the Bengal Police.

Lastly, there is the demand for the Criminal Intelligence Department. Members must realize that the occurrence of an incident like that of Chittagong proves absolutely beyond question the existence of a terrorist revolutionary body that is prepared to use any means to effect its purpose and that the issue of Ordinance No. 1 by His Excellency the Viceroy means that the Government have to bring up to full strength the special department employed to deal with that class of crime.

3-45 p.m.

We have therefore brought the department up to full strength and we have increased the staff—both investigating and protective—because one of the saddest things in this movement is that the activities of its members are directed against the officers of this department, many of whom have served Government with the utmost loyalty in times of danger, and it is up to Government to give them all the protection they can and to make necessary arrangements for the purpose. We have also had to provide extra accommodation for this staff. But we have also instructed the Inspector-General of Police that, whenever possible, this staff should be reduced, and it depends entirely on the activities of the movement how long this staff is kept on.

These are the main heads of the demand I have put forward. I was asked the other day what was the justification for increasing the staff. I was rather surprised at the question, because I should have thought that the justification was obvious. Unfortunately, every resident of Bengal is aware of the great increase of disorder in the province due

to the civil disobedience movement. Take Midnapore. There they started with salt; subsequently there have been attacks on the police, murder, and an attempt to burn a house in which the police were; there has been boycotting of chaukidars, and now there is the no-tax campaign. Everything possible has been done to upset law and order in that area, and all this to what end? The other side talks about non-violence; if necessary I shall read later extracts from Mr. Peddie's letters showing the kind of violence that is taking place there. Mr. Peddie, Mr. Kidd and the other officers there have been doing wonderful work for the last three or four months, battling on behalf of law-abiding citizens against the forces of disorder.

The necessity for the entertainment of an extra force has been felt in Calcutta also. In Calcutta we have had our troubles, but I think that every member of this House who resides in Calcutta will acknowledge the debt of gratitude we owe to Sir Charles Tegart and his officers for maintaining peace in the city. When they compare conditions here with those prevailing elsewhere, I think they will realise that the money we are asking for is well spent.

I notice that there are several amendments down which criticise the conduct of the police. I do not myself consider that the conduct of the police in regard to the matters for which they are going to be attacked really affects the question whether these extra forces for which we are asking money are necessary. In case they are moved, I hope that during the course of the debate I shall be able to show that the conduct of the police has been magnificent throughout. There may be instances perhaps in which there may be legitimate differences of opinion as to the degree of the force used, but taking the situation as a whole I do not think there can be any question that the loyalty and discipline of the police from top to bottom have been magnificent and that the people of Bengal are under a deep debt of gratitude to the members of this much-maligned force.

Mr. SHANTI SHEKHARESWAR ROY: Sir, I beg to move that the demand for Rs. 8,78,000 under the head "26.—Police" be reduced by Rs. 100 (with a view to draw attention to the incompetent handling of the present political situation by the police).

I am sure the House deplores that a necessity should have arisen for a supplementary demand under this head. The Police Department is considered as the most extravagant department of the local Government, and, in spite of all efforts at reduction, the expenditure goes on increasing every year. When the budget was under consideration in March last, the Council voted the demands under this head rather unexpectedly without any reduction. Still the Government has come forward with this proposal for an additional grant. The Member-in-charge has my full sympathy. He has been able to put forward very little justification for the additional expenditure. The

additional cost is due to the development of a situation for which the police authorities are to a certain extent responsible. When we separated in April last the atmosphere was peaceful, though there were apprehensions of disorder due to the inauguration of the civil disobedience movement. But nobody ever dreamt that the country would go through all that has happened during the last four months. I shall not worry the House with all the sickening details of the incidents which are agitating the minds of the public. I shall only ask the House to consider how far the situation has been aggravated on account of the incompetent handling of the same by the police authorities. Take, for instance, the Carters' Strike in Calcutta. From whatever viewpoint you look at the matter, the way in which the affair was handled by the police can hardly be called satisfactory. The whole affair could have been avoided if there had been a little more of sympathetic understanding in the early stages and less desire to uphold the fetish of prestige. Thanks to the intervention of His Excellency Sir Stanley Jackson justice to a certain extent has been done to the carters; but what about the sufferers who received injuries or the persons who lost their lives at the hands of the police as a result of uncontrolled firing? We have still to learn if any compensation has been granted to the aggrieved parties. We do not know what steps have been taken to punish the erring officers. The public is aware only of the statement of a gallant police officer who, in justification of the firing and its dire result, said "We fire to kill." To-day, on the floor of this House, I demand of the Hon'ble Member in charge of the Police Department to declare in unequivocal terms the attitude of Government in the matter. The incident disclosed, if anything, the total incapacity of the police authorities of dealing with a strike.

Let us pass on to the affair in Chittagong. As the incidents there are sub judice, I shall ask the House to consider the matter only from the administrative point of view. Chittagong is an important town in the presidency—a flourishing port, and the headquarters station of the Divisional Commissioner. It is expected that residents in such a place should feel conscious of adequate protection. But what happened on the fateful night when a European official and two Indian constables among others lost their lives? Before a band of desperate men the executive authorities were helpless. Does the incident redound to the credit of the local police officers or for the matter of that the higher authorities? The victims of the tragedy were mostly Government officials; it is a mere accident that no non-officials were not involved. But my point is: who is responsible for the breakdown? I submit no one should be allowed to shirk responsibility on the ground of suddenness of the attack. The Council had armed Government for the asking with all unnecessary powers to cope with any terrorist organization, and it is distressing to find that the authorities concerned were caught napping. There is a saying in

Bengali to the effect that the householder becomes wise after the thief has left. We find that the Government has launched, evidently on police information, on a policy of arrest and internment on a wide scale after the incident. I wonder whether the Government has any realization of the fact that its activities in this connection have made it the laughing-stock of the world. I can only hope that wiser counsels will prevail, and that Government would not be stampeded into hasty and reactionary measures.

Sir, Chittagong is not the only instance of the unpreparedness of the local police authorities to meet the situation. The riots at Dacca and the outbreak in the Mymensingh district point to the same tale. Of course, in all the cases, the police have succeeded in restoring order, but at what a cost! My charge against the police is this: that they failed to apprise the Government of the real situation at a stage when Government could have adopted preventive measures. I have no first-hand knowledge of the incidents at Dacca and Kishoreganj. It is quite unnecessary to discuss here whether the trouble was due to communal passions or economic causes. Serious allegations have been made against the conduct of the local police officials, and the incidents at Dacca have been investigated by an independent authority, whose report is awaited with interest. But whatever may be the result of the inquiry, it is admitted on all hands that the local police arrangements broke down for a considerable period of time. This is hardly a matter for credit to the police.

Sir, a member of this Council wanted to stand for election to the Council of State. He sent a telegram to the Chief Secretary requesting him to relax the rules so that nomination papers might be filed at his district headquarters in view of the disturbed condition of Dacca which, he was advised, was not a safe place. The Chief Secretary had the courtesy to reply to the telegram, but he regretted that the rules could not be relaxed. He did not, however, say whether Dacca was really safe or not. But the member when he found that the choice was between going to Dacca and thereby risking his life and adding "Honourable" to his name by election to the Council of State, he chose not to seek election.

The position, as it appears to me, is this that Government has patted the police too much on the back with the inevitable result. In the interests of efficiency, we are called upon to grant large sums of public money for the maintenance of a body of men who are not responsible for their action to this House. It is but natural that incompetency should trot forth as efficiency under the protective wings of irresponsibility to any legislature in India.

Sir, I shall conclude my remarks with a reference to the actions of the police in connexion with the civil disobedience movement. At the outset I desire not to be misunderstood. I am for law and

order. At present, I am a supporter of the policy of peaceful political evolution. I shall be the last person to encourage by my word any disturbance of peace or help to stimulate the spread of disorder in the land. But, nevertheless, I cannot help condemning the callous and lawless atrocities perpetrated by the underlings of the police in different parts of the province, in their attempt to checkmate the progress of the civil disobedience movement. Instead of strictly conforming to the law, instead of arresting the volunteers when they transgressed the law, the police at Contai in the district of Midnapore and at Neela in the district of the 24-Parganas displayed prodigious valour with their regulation lathis and butt-ends of guns on unarmed volunteers, and on occasions the order to fire upon the assembled crowds was given without adequate cause or serious provocation. It appears that some of the police officers were under the impression that human life was of no more value than that of a moth or a vermin. The heartless depredations of the police at Contai deserves unqualified condemnation. Villages were indiscriminately invaded and their residents, old men and children, without mercy and without any quarter, beaten black and blue. We heard with horror that during these mock-heroic depredations the persons of females even were not spared. They were assaulted and savagely molested at places. It is a pity, again, that there were no police officer who had a lucid interval to think that Indians hold their womenfolk in special veneration, and any attempt at molestation of, or the least derogation from the dignity and sanctity of, our ladies is sure to produce deep and abiding bitterness. I would humbly advise all concerned to beware of this danger-zone.

Sir, the employment of sergeants in far-off villages in the interior is calculated to create racial estrangement of a deep-seated character that is sure to singe into the hearts of the illiterate, the poor, and the lowly millions of the soil. Violence is a game at which two can play. If police violence created a reaction on mob-violence and gave rise to widespread disorder throughout the districts, the responsibility of the police should be deemed considerable.

4 p.m.

Violence or aggressiveness is a boomerang that recoils on its author with redoubled force. The Government may ultimately control the turbulence and truculence of a far-flung disorder, but would it be worthwhile to take the risk?

I would also seriously invite the Government to think hard as regards the cumulative effect of all these heartless and frivolous excursions of calculated cruelty on the morale of the whole police force.

I commend my motion to all sections of the House, at least to non-official members. I know, Sir, members of the European block are very keen on efficiency, and if I have satisfied them that the conduct of

the police force during the last few months has not been efficient, I am sure they will give me their support. We cannot always help the Government voting in the Government lobby; sometimes it is necessary even by our criticisms and our votes to bring the Government to their senses.

To my Moslem friends, I do not know if I am permitted to make a direct appeal to them, but I hope and do appeal to them that they will cast their votes in favour of this motion. Victims of this police repression have been Hindus, Muhammadans and also Christians, and so it should be to the interest of every citizen to see that life is safe in the hands of the police.

Mr. S. M. BOSE: I move that the demand for Rs. 8,78,000 under the head " 26.—Police " be reduced by Rs. 10 (to call attention to the present unsatisfactory arrangements for lock-up for women under-trial prisoners and want of suitable provision for their privacy and necessary conveniences).

In bringing forward this motion, I desire to call the immediate attention of Government to the miserable state of the lock-up for women under-trial prisoners at Lalbazar. They are under trial, and so presumed to be innocent, and therefore they would be entitled to ordinary decent treatment, better than that accorded to convicted prisoners. But we find the case exactly the opposite. About the end of last July, numbers of women satyagrahis were arrested on different days, and kept in the lock-up overnight. The room, about 20 ft. by 18 ft., is on the ground floor, ill-ventilated, and without any privacy at all. It is on a passage, with a door frame and iron bars between, without any purdah or screen and through this passage go the riff-raff of Calcutta on their way to the men's lock-up. There is only one barred window for ventilation, overlooking a courtyard, and without any shutters or screen for privacy. Then, as regards the so-called sanitary " conveniences," rather " inconveniences "—the less said the better—filthy, without flushing, no enclosure or any privacy for the user, with a window without shutters opening out on the yard. Sir, I shall not elaborate details. In this miserable ill-equipped room, infested with rats and vermin, 29 delicate, well-educated ladies lay huddled on the floor with a few dirty blankets as bedding.

Sir, I have no desire to dwell on the matter. It has been already brought to the attention of Government, and I trust the Home Member will give the House an assurance that the complaint is being remedied.

These women have deliberately broken the law and are prepared to face the consequence. They do not ask for mercy, but at any rate they are entitled to decency. I appeal to the Hon'ble Member, not as an official, but as a man, as a gentleman, to see that the treatment accorded to the ladies is at once stopped. I feel sure that I am not making this appeal in vain.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that the demand for Rs. 8,78,000 under the head "26.—Police" be reduced by Re. 1 (to raise a discussion on the police methods and the repressive policy of the Government as also the failure of the police to preserve the public peace and prevent crimes in various parts of the country).

Sir, I propose to confine my discussions to the latter part of my motion, and that for good reasons. Yesterday, when my adjournment motion was moved, I was suprised to meet with a bolt from the blue. That motion was meant for a thorough discussion of the terrible happenings in Mymensingh, for the enlightenment both of the Government members and of this House, including that important section of this House which represents Muhammadan interests and to whom my appeal would lie in a special degree. Be it said to the high sense of civic responsibility of the Muhammadan members of this House that none of them opposed the motion. In view of His Excellency the Governor's very commendable attitude in not interfering with the consent of the President to this motion, I expected that there would be no opposition from the Treasury bench. His Excellency's attitude being very liberally construed, our whips were not vigilant and the result was surprising too.

Mr. D. J. COHEN: On a point of order, Sir. My friend is referring to what transpired yesterday Is he entitled to do that?

Mr. PRESIDENT: He is in order.

Babu SATISH CHANDRA RAY CHOWDHURY: However, I consider this as due to a *bona fide* misunderstanding and will try to show during my discussion of this amendment for the enlightenment of all the serious position of affairs due entirely to the failure of the local police. Sir, I am never communal I believe no advance of this country is possible economically and politically unless both the two great communities march abreast

Sir, how were the terrible happenings that have been reported in the press possible? Was there anything in the previously existing relation between these two communities to warrant these? So far as the subdivision of Kishoreganj is concerned, I beg to submit that the relation of the two communities was very cordial. The historical fact is that during the time of Akbar the Great and Mansing the General, the Hindus and Muhammadans of Kishoreganj under Isha Khan, one of the famous twelve rulers of Bengal, fought against the aggression of the Moghuls at Egarasindur, a place which has suffered terribly by the recent hooliganism, and as a matter of fact the Moghul General was defeated, and that, Sir, as a combined effort of the Muhammadans and

Hindus. Then coming to more recent times we find that both the communities lived side by side and thrived by mutual service and mutual help. In Hindu houses Muhammadan servants were fully trusted and more often than not they were the only guards on whom depended the safety of the lives and properties of the inmates of the house. In the matter of the distribution of patronage and favours the well-to-do amongst the Hindus and Muhammadans never made any distinction between a Hindu and a Muhammadan. The cultivation of khamar lands belonging to Hindus are generally in the hands of the Muhammadans. When lands are settled by the zamindars they are given to the highest bidders who are almost invariably Muhammadan cultivators who are much better off than the Hindu cultivators where there are any. The collection of tolls and jamas in the big bazars, which is a very lucrative occupation, is also almost wholly in the hands of the Muhammadan tashildars. The Hindu zamindars and Hindu money-lenders are equally hard or lenient on their Muhammadan and Hindu tenants or debtors. The distinction between a Hindu and a Muhammadan is nowhere noticeable except in social functions. But even in social functions of any importance the Muhammadans and Hindus are equally invited, though in the matter of serving food some distinction is observed. To sum up one never had any occasion to feel himself as a Hindu or a Muhammadan when dealing with another, either a Hindu or a Muhammadan. This fraternal attitude on the part of the Hindus at least is responsible for the tremendous growth of the Muhammadans in the district both in population and opulence, for the majority of landholders at present in Mymensingh and particularly in Kishoreganj are the Hindus who could have if they liked retarded this growth by various methods. It must, however, be admitted that the physically stronger class, namely, the Muhammadans, has taken full advantage of this open competition and have reaped the full fruit thereof, whereas the Hindu masses have degenerated completely and lost all nerves for action as has been evidenced during the recent lootings and plunder of Hindu houses by Muhammadan mobs. The spell of this fraternal feeling between the two communities in eastern Mymensingh was not broken even for a moment during the worst days of communal tension over the question of "Music or no music" before mosques, which convulsed the whole country from one end to the other and rent Pabna asunder. We then felt completely secure behind our time-honoured tradition of Hindu-Muslim amity and friendship, and not a ripple of the great wave of communal tension touched us. This fact of our unbroken friendship from remote ages must make one wonder what powerful hidden forces may have led to the cataclysmic and catastrophic change in our relation with our neighbours. The causes must be discovered or inferred from certain facts and symptoms which I will discuss next.

4-15 p.m.

It was an evil day when the riots broke out in Dacca on 22nd of May last. Future historians shall have to note it as such. Those who call it a mere communal riot express to my mind only half truth. Communal certainly these riots were, but they also contained the germs of a doctrine which attained their next stage of development in Mymensingh and has yet to realise its full possibilities. Here in Dacca we were faced for the first time with a new factor, a deeper and more dangerous spring of action than mere communal jealousy (which usually finds its expressions in stabbing, beating or assaults), imported into our communal struggle, I mean the spirit of loot, plunder and gain, unchecked or unrestrained. Once this spirit finds full scope and begins to be fed by communal jealousies, there are no extremes to which it will not stoop and there is no limit to the number its votaries will attain. This greed is such a powerful motive force amongst a section of our countrymen that it quickly and violently separated those who shortly before were comrades in social and political works in Dacca. Satan and Mammon therefore so universally triumphed, and religion and virtue both were ruthlessly dethroned.

I will not detain you, Sir, over the Dacca incidents. I am not primarily concerned with that to-day. I have only referred to a particular feature of them just to show their spiritual connection with the incidents which are the subjects of this motion. I assert and I undertake to prove to a demonstration that if Dacca had not suffered, Mymensingh would not have suffered.

Even during the continuance of the Dacca riots when the news reached some parts of Kishoreganj the local rowdy elements became restive. The horrible reports of the loot and arson at Dacca and the masterly inactivity of the police filtered through many sources, and the hooligans of Kishoreganj subdivision and other places in Mymensingh were biding their time with ill-concealed impatience. From that time there began to pour into various places of the subdivision of Kishoreganj so-called maulvis and preachers from Dacca who began to sow broadcast the seeds of communal jealousies and communistic ideas. The statement of the Press Officer also admits the advent of maulvis and preachers prior to the outbreak. Leaflets were also circulated broadcast exhorting the peasants and labourers to rise against landholders and creditors and forecasting loot, murder and outrage on women.

The preachers and maulvis were ubiquitous and they had carried their insidious propaganda almost to every part of the subdivision. A most perplexing and relevant question is: did the police know anything about this widespread conspiracy? It is difficult for one to believe that they did not. I was told by one Sub-Inspector of Police that they

came to know about this movement about six months ago when it was already out of their control, and another member of the police force told me that the matter was reported to the superior officers before the outbreak. The subdivision of Kishoreganj as well as the eastern division of Mymensingh is in the charge of Mr. Khalaque, Additional Superintendent of Police. The Police have got to answer the charge—how is it that an outbreak so wide and virulent as happened on the 12th July last, which must have taken a long time to hatch, took place without his knowing anything about it or how is it that, if the matter was reported, the thana forces were not reinforced or precautionary measures adopted?

The outbreak of hooliganism began on the 11th July in one village only, but on the 12th July the conflagration broke out in three centres, as is admitted in the Press Officer's statement, covering a wide area of about 100 square miles. This looked like the result of a well-concealed and deep-laid plan, the method of execution being almost the same everywhere. There are a few other incidents just before the riots which I need mention here to give a complete picture of the situation preceding. It is a fact that the mufassal thanas, including the Kishoreganj thana, were depleted of large part of the police force available there to fight civil disobedience—a sort of civil movement. Thefts and burglaries even in the town of Kishoreganj became every-day affair. I am told that when the citizens went to the thana for proper patrol of the town they were referred to the local Congress Committee. I do not ascribe any sinister motive in this, it might be a *bona fide* direction on the part of the police. As if, as a matter of fact, it is the Congress Committee which has got to keep order and not the police. Then I am told just shortly before the riots two leaflets were being distributed broadcast by agencies unknown. One of these is a lengthy document and the purport of the material portion is "Awake, arise peasants and labourers of Bengal and down with these creditors, zamindars and all vested interests." I have got a specimen of the second class leaflet in my hand which I need not read to this House. The substance is that unless you help the police you are in danger. Your women will be outraged and your properties looted. As a matter of fact all that happened in Kishoreganj subdivision had been wonderfully forecasted in that leaflet.

In the midst of such preparations unchecked by the police as I have described above, dawned the fateful morning of 12th July. Two to three thousand people of all arms, axes, ramdaos, lathis, spears, attacked the house of the late Babu Krishna Chandra Roy of Jangalia. He was the president of the union board. I mention this to show that he was not only a rich man but a man who some time ago enjoyed the confidence of both communities. He has got no buildings in his house but the huts are all substantial structures. He, with his son

and brother, fought for four and a half long hours against the hooligans before all his huts were burnt to ashes, all his properties looted and nine male members of his family then and there butchered to death and one female member so assaulted that she died in hospital. When I took, Sir, my stand in the midst of ashes which were being blown and scattered by the wind on all sides, mocking Hindu-Moslem unity, mocking Pax Britannica, mocking British rule in India, a thrill went through my whole frame the like of which I never felt, even when I was reading the blood-curdling story of the execution of the last Czar of all the Russians with all his family. I wish, Sir, I had language enough and expressions enough by means of which I could make the members of the House, both Hindus, Muhammadans and Europeans, share the thrill with me. I will leave this tragic scene.

May I say, Sir, to the eternal disgrace of the police, who were at Pakundia thana only three miles off and Husampur thana which is only two miles off from Jangalia, that during this terrible fight for four and a half hours not a single policeman appeared on the scene. Then the news of this triumph of this hooliganism spread over half the subdivision involving the security of the lives and properties of lakhs and lakhs of His Majesty's law-abiding subjects. I deliberately use the expression law-abiding. It is useless to describe the terrible atrocities committed in different places. They ought to be the common property of all by now. I will mention only two other instances by way of illustrating the activity of the police. Mirzapur bazar, one of the biggest in that subdivision, was looted for four consecutive days from the 12th July, and the thana of Pakundia was only two miles off, but not a policeman peeped in, not a mouse stirred. At Kumarpur again a gentleman, namely, Sachindra Kumar Roy, was in hiding with his family first in a Muhammadan talukdar's house—I must say this to the credit of respectable Muhammadans—and then this family was in the jute fields which mercifully sheltered them for five consecutive days, his wife being in the tenth month of her pregnancy, and yet the thana was two miles off! This is by way of showing the activity of the police who, in the language of leaflets, protect us. Look at the village Jaitra where the Circle Officer was confined and about to be done to death. That village and Bishuhati were looted two days after such an incident.

Will the police answer this charge as to the inactivity of the police then as also during the long period that widespread conspiracy was hatched? And will the police officer also answer the further charge as to why when he went out on the 13th of July with his armed policemen armed with the newest rifles and not old guns, as His Excellency the Governor was misinformed, not a single shot took effect on the large body of rioters whom he met and the Additional Superintendent retired, confirming the preachings of emissaries of lawlessness, and the

impressions of the mob that British bullets would not touch them—a circumstance which helped the later developments.

Apart from the general arson, loot and plunder, a boy of seven years of Jamail village was so trampled on his belly that his intestines came out and he died instantly. A Namasudra of village Bisutia succumbed as a result of his tongue and nose being cut off. Were such brutalities ever committed in the midnight darkness of despotism during the rule of the mediæval chiefs?

Fire was set to the houses of poor Malas who had nothing to offer to the looters. Dispensaries of doctors and kavirajas, who must have brought back to life many a dying men of all communities, were destroyed and medicines and bottles broken to pieces. This is also within two miles of a thana.

Here, Sir, I must pay my meed of praise to Mr. Burrows, the District Magistrate, who as soon as he took charge of the district of Mymensingh at a troublous time, told the citizens openly that he was not going to encourage any communal quarrel. His function was to punish the law-breakers ruthlessly, to whatever class or community they might belong. True to his assurances, as soon as he heard from Tangail of this outbreak, he wired to the Subdivisional Officer to take drastic action. I may be excused from disclosing this official secret. He broke his tour programme and reached Kishoreganj on the 13th July and along with the Subdivisional Officer, Mr. Bysak, who took very vigorous action and even risked his life in the beginning, and rescued Government prestige from the danger in which the police activities placed it. Here I must say also a word about Mr. H. Saha, the Assistant Superintendent of Police, who at the risk of his life saved the life of the Circle Officer at Jaitra and the life of an Inspector of Police at Matkhola.

4-30 p.m.

But then that was all. After they finished these officers, together with the District Magistrate, went away, and after the Deputy Inspector-General of Police went away the history of the investigation is a poor commentary on the ability of the police.

On the 16th and 17th July the general outburst was stopped, but since then up to date there has practically been no house search and looting and plundering is going on by the local goondas and hooligans. I beg to submit that if houses were searched shortly after, there is no doubt that the search would have yielded much of the stolen property, and the men who had lost their all would have got back at least some, and conviction would have been easier. But I see that no attempt was made at all for searching houses, although in one case a man went to the Sub-Inspector of Pakundia and made a request for search of a house of a local Muhammadan in whose house it was asserted

that looted properties were concealed. Babu Kailash Chandra De had been robbed of all his moveables and he reported that his things were kept hidden in a certain house, but the Sub-Inspector of Pakundia did not stir to interfere—a public servant who is fed with public funds—he did not think it his duty to help in the recovery of the looted property. I wonder if that man has been punished at all for this negligence. This I submit is the state of things. It does not matter whether the goondas are Hindus or Muhammadans; it does not matter to me in the least to which community he belongs. But when the lives and properties of His Majesty's most loyal subjects are jeopardised, and when the remedy is at hand and we do not get the justice we demand, we do not know how we can live peacefully. There is another curious chapter in this investigation matter. Anybody who is a lawyer—and I plead guilty to the charge of being a lawyer—must object to the procedure. Instead of the accused named in the ejahar and the complaint being arrested, evidence is being slowly recorded against a limited number allowing freedom of movement to the rest who number thousands. In Janglia all the male members of a family were murdered and only female members remained. It was not possible for them to name all the accused but they could identify a lot of them by sight. How can this be done unless the accused are arrested and offered for identification? In Janglia you will be surprised to hear that only 11 people were arrested out of a lot of hundreds or more named. This is life for life and limb for limb—that is the sort of justice we are getting. Result is we find that people who are guilty of glaring offences are moving about freely and threatening witnesses and complainants who have sought justice. It is being threatened that if they persist with their cases they shall be murdered to death. I say that Hindus have become panicky and alarmed for very good and solid reasons which no one can successfully challenge. Siris Chandra Malo, a poor man coming from a place from which many goondas come, complained to the police that he was threatened but the police did not listen to him. He repeated his complaint and the goondas entered his hut and attempted to murder him, and he is now lying in a precarious condition in the Kishoreganj hospital, and his dying declaration has been recorded. Four names have been mentioned by him in his statement but none have been yet arrested. Sir, we must get justice from somewhere. We have made our appeal to Government, we appeal now to the Hindus and Muhammadan members of this House to see that justice is done. If refused, we shall appeal to the Hindus and Muhammadans of India for bare justice which is being denied to us. Then there is another stage in this curious procedure of investigation adopted by the Superintendent of Police. He makes over a list of accused persons to be arrested to a Muhammadan gentleman and asks him to arrest

them—not to a police officer, mind you, but to a Muhammadan non-official gentleman, against whom, of course, I have nothing to say personally, and who to my mind is an estimable gentleman, but I ask is that the right procedure to adopt?

An argument for not arresting these hooligans and goondas is that jute will not be cut and paddy will not be cut. If it were a movement against the Government would this sort of excuse hold water, Sir? The Hindus have shown charity by not demanding wholesale arrests, but between wholesale arrests and no arrest there is a golden mean, and could that method not be adopted to impress upon the people that the law exists in Mymensingh? I say, Sir, on the latest information that Government appears to have ceased to function in certain parts of Mymensingh and they are now under the rule of hooligans. Reports are pouring in that the Hindus are living in peril of their lives and properties.

Then, Sir, the village defence party that came into existence is now being challenged and there is no defence party in the villages now. There must not be any defence party in the villages lest they take part in the civil disobedience movement. That is what the police say; they also say that owing to the civil disobedience movement we are short of police and that is why cases cannot be properly investigated. This serious state of affairs really required the adjournment of the House for a fuller and completer discussion of the incidents and I submitted this before His Excellency. We are all no doubt grateful to His Excellency the Governor for the assurance he has given that no real offenders should be allowed to escape. We are all grateful for these words of kindness, but from bitter experience we know that many things may happen in the meantime which may frustrate the intentions of His Excellency the Governor, unless matters are promptly attended to.

A deputation waited upon the District Magistrate of Mymensingh in order to make sure that no persons who are arrested and whose cases are now pending are threatened so that people might know that we are going to get justice, that complainants and witnesses should be protected and further molestation should be stopped. He said that for that purpose more police force was necessary. It is reported that the District Magistrate has written for an additional police force, but yet time is passing and things are moving from bad to worse. We have made our suggestions to His Excellency the Governor as to the necessity of measures necessary to ensure public peace. I would warn the Government not to look on this movement as a mere temporary ebullition of the passions of a section of the people. It is fraught with immense possibilities of mischief, to the classes and the masses and also the Government. The disturbed condition of the country has made it impossible for the zamindars and talukdars even to venture

to ask for rent from tenants and the collection of land revenue will have to be suspended or they will go bankrupt. All the money-lenders who have not been already robbed will no longer care to invest in that part of the country. The result will be acute economic distress, among the cultivators specially. Can the Government meet the demand for money? Then there is every chance of the situation being exploited by persons with ultra-revolutionary ideas. I believe, Sir, I have good authority for saying that in some cases even Muhammadan houses were attacked because they are money-lenders and well-to-do and in some cases because they gave protection to the Hindus. The movement is bound to cross the race boundary and then it will be too late to arrest it. If the Government goes on fighting civil disobedience, leaving the people who have nothing to do with the civil disobedience movement, completely unprotected and at the mercy of the goondas—no matter to what community they belong—the only claim and title of the British Government in India, namely, the maintenance of Pax Brittanica and the ensuring of an orderly evolution of the country under the ægis of the British Crown will be gone for ever, leaving chaos to reign supreme.

(Here the member, having reached his time-limit, resumed his seat.)

[At 4-50 p.m. the Council was adjourned for prayer and it reassembled at 5 p.m.]

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that the demand for Rs. 8,78,000 under the head "26.—Police" be reduced by Re. 1 (in order to raise a discussion as to the conduct of the police and the excesses committed by them during the last four months).

It is not possible for me in the course of this debate to take a comprehensive view of all the acts of lawlessness committed by the upholders of law and order and I can only refer to some specific instances of unprovoked brutality. These are not confined within one particular area but are taken at random from different parts of the province which only proves that the acts complained of have not been cases of accidental excesses but represent a deliberate policy of repression and oppression.

Sir, in theory the police exists for the good of the citizens at large, for protection of law and order. But for the last few months it has been our sad experience that the police has been more anxious to break laws and commit plunders and depredation than any other organised body. It may be conceded that violence may have to be exercised in order to repel violence, or it may be necessary to use force when there is actually a great danger of public peace being broken. These theoretical propositions are good by themselves, but in actual practice these general powers have been used only as a cloak

under which brutal assaults have been committed. Innocent heads have been broken, innocent lives have been taken away, houses and properties have been looted, respectable persons including ladies have been publicly humiliated and tortured—all done by the upholders of law and order for the safety of the British Empire, for the good of the citizens and for maintenance of peace and tranquillity. I cannot but refer in this connection to the speeches made by Mr. K. C. Neogi at the last session of the Legislative Assembly. He narrated a series of incidents of inhuman torture and cruelty in different parts of Bengal, particularly in Midnapur district, all investigated by himself along with other respectable men. He gave the lie direct to the statement which is often made in responsible quarters that only the minimum force that was absolutely necessary was being exercised by the police. Sir, to put it mildly, Mr. Neogi's remarks were not very complimentary to the Government of Bengal and in particular his reference to the Bengal Secretariat as the great manufacturing house of untruths and half-truths is a testimonial of which Hon'ble Members of Government would no doubt feel proud. It remains to be seen what steps Government proposes to take in meeting the very serious charges brought against their administration; not indirect or vague accusations but specific cases of barbaric cruelty and torture.

Sir, it has been said that the police do not attack people unless there has been provocation. But surely the provocation must be such as to justify the force employed by the police. A boy of ten or twelve all by himself stands in front of Presidency College, and, let us assume, asks students not to attend the college. I realise he thereby violates the picketing ordinance. Arrest him if you like, but what provocation, what State urgency, would justify several stalwart upholders of law and order to plunge at him and beat him violently till he lies unconscious on the pavement. A bus is passing along College Street near about Presidency College; two or three persons sitting in the bus shout Bande Mataram. Immediately the bus is made to stop, a sergeant rushes inside it and makes a free use of his stick by attacking the persons he finds in front of him. People were madly chased about and innocent passers-by were humiliated, insulted and beaten. A loyal student of Presidency College was chased and assaulted, and when he turned round and attempted to tell the sergeant that he did not deserve this attack, there came a thundering reply "Dare argue with me, then take another," and the lathi fell on his back once more. Take, Sir, the case which occurred in Dacca only the other day. I happened to go to Dacca just five days after the accident and the details I gathered from responsible and respectable persons, some of whom were themselves eye-witnesses, were staggering. I do not propose to enter into the details of the incident but I had it on an unimpeachable authority that the students

within the University area were perfectly peaceful and did not give any provocation to the police in the discharge of their so-called duties. The police rushed into the University compound and brutally assaulted a number of students in front of them. The unfortunate lad who succumbed to the injuries had received a shower of lathi blows on him, his head was broken in three places and, worst of all, a lathi was thrust into his stomach and a deep and fatal hole was made into it. Some of the gentlemen who had seen the lad immediately afterwards described to me how inside his clenched fingers and teeth were found torn blades of grass which the unfortunate victim before he lost consciousness for ever, must have desparately taken hold of while struggling against the brutality perpetrated on him. The Hon'ble Mr. Prentice is looking at me with his eyes wide open. May I pause here and ask the Hon'ble Member if he really considers the conduct of the police as really magnificent? Take again the recent police raid at the Jessore Congress office. A short account has appeared in the issue of *Advance* on 5th August last. I take it, Sir, Hon'ble Mr. Prentice and the Press Officers have not opposed its publication as they are so anxious for the dissemination of truth. Whenever such raid had taken place, in addition to indiscriminate arrests, the police have on the plea of search scattered rice, dal and other things, have broken utensils and earthen pots in the kitchen, burnt khadar dhoties, damaged and burnt books and pictures and done other acts of vandalism. Take again, Sir, the brutal assault on Sreemati Saibalini Devi, wife of Srijut Nagendranath Sen, an ex-member of this House, committed at Khulna under orders of the Superintendent of Police. I would like to know whether any enquiry was ever made by Government in this connection and if so with what result. A large number of reports is reaching us as to how persons who are alleged to have broken the law are taken to the police-stations, mercilessly beaten there and then released. I would ask the Hon'ble Member to state whether he proposes to justify this course of action. Only three days ago, one of such young men was brought to me. He was arrested on the 9th of August last while picketing at Burrabazar at about 3 p.m., was taken to Burrabazar thana and mercilessly beaten by two officers until the canes were broken and he actually bled. He was subsequently released at about midnight. When I saw him the next morning, the marks of torture were still there and I must say it was one of the ghastliest sights I have ever seen. In order to give the members of this House an idea of the assault committed upon this lad, I had him examined by a medical officer in my presence and his report was as follows:—

"I noticed 27 injuries on the person of the boy, mostly contused wounds ranging in character from simple bruises to clean-cut bleeding lacerations, where the skin was actually divided, varying in size from

three inches to nine inches in length and quarter to half an inch in breadth, situated all over the body, on the back, on the shoulders, the arms, the forearms, thighs, and legs, inflicted most probably by split canes. In addition there was a moderate sized swelling below the left knee joint and the neck."

This report speaks for itself and any comment is superfluous. Under what law, I ask, can any civilized government justify such acts? And will the Hon'ble Member still maintain that this was a magnificent act? I have no time to multiply incidents, but it seems to me that the British Raj has ceased to exist and we have Goonda-Police Raj instead, Government will claim that this repression has been necessary in order to fight the civil disobedience movement to a finish. But does Government realise that these oppressions only result in strengthening the movement? No one can be so foolish as to think that Government by ordinances or by lathi blows can go on for ever. This repressive policy has succeeded in widening the feeling of bitterness and animosity against the Government. The Press has been successfully gagged and public meetings are controlled. But as the days roll on and this heedless oppression goes on, the breach becomes wider and wider. I feel, Sir, among those who have been responsible for preaching sedition against the truest interests of the State are those very persons who have been controlling the police activities during the last few months. It is they who more than any one else have violated the provisions of the Indian Penal Code; it is they who by their acts of omission and commission have been successful in spreading feelings of disaffection and animosity against Government. It is they who more than anybody else have brought Government into contempt and hatred.

Babu SATYENDRA NATH ROY: Sir, I beg to move that the demand for Rs. 8,78,000 under the head "26.—Police" be reduced by Re. 1 (in order to raise a discussion about the lathi charges and various acts of physical violence committed by the police both in Calcutta and the mufassal during the last several months upon picketers and members of the public).

Sir, we are all aware that during the last several months that this civil disobedience movement has been started, the persons carrying on this movement and other innocent members of the public have suffered most at the hands of the police. I may say suffered heavily in the shape of lathi charges and other acts of physical violence, in some cases lathi charges putting an end to the lives of some of them. Have the police force, except in a very few solitary cases, suffered anything? The aggression has always been on the part of the executive and the police, the retaliation, if any, on the part of the picketers has been very very small. This civil disobedience movement in Bengal first took shape in the breaking of salt laws, principally in the districts of

the 24-Parganas and Midnapore. We all know how the innocent ryots living in villages who had no intention of breaking the salt laws, but only gave shelter to some of these law-breakers, were treated. They were assaulted, and, if reports have any substance of truth, women also were assaulted and properties destroyed. Is there any necessity of drafting a police force to check the activities of these salt law-breakers? Was any violence used by these law-breakers in preparing salt? Could not Government start ordinary prosecutions against them? What was the use of drafting a strong police force at once to those places? Infringement of law is occurring every day—municipal, local and penal; and there are ample provisions in the statutes for the punishment of these law-breakers. The cases in which there have been infringements of the salt laws number only about 532, and I do not think the total amount of salt prepared would amount to more than a maund or two. Only yesterday we heard the Hon'ble Member in charge of law and order stating in reply to a supplementary question, when a case of severe assault by the police of a boy of 10 or 12 years of age was brought to his notice, that the boy had his redress in the law courts. Can we not claim the same in the cases where there have been infringements of law in preparing salt?

I would now come to the second phase of activity of this civil disobedience movement, viz., the picketing of excise shops. Only the other day I saw two constables with big lathis stationed in front of a grog shop at Howrah. Was it necessary to give such protection when police force was needed at Dacca and Kishoreganj? If Government is to protect all the excise shops and all the drunkards and ganja-smokers and opium-eaters in this country, I think at least a crore or more would be needed. Would the Council be asked to vote for the amount? Sir, the most lamentable and deplorable cases where lathi charges and physical violence and various kinds of assaults by the members of the police have taken place are those in connection with the picketing of schools and colleges. I do not think that there is any real sympathy on the part of the general public in the matter of picketing schools and colleges. Was the method adopted by the authorities the right one in putting a stop to such picketing? What was the object of these youthful picketers, beginning from a boy or girl of 6 or 7 years of age to a post-graduate or law student? It was only a manifestation of a great nationalist movement. As one having a little to do with a few schools, I may inform this Council that I anti-picketed such youthful picketers. I tried persuasive measures in some instances. In others I tried tricks to get willing students inside the school by the back doors. Many authorities of schools very rightly closed for two or three weeks and things are now settling down to normal condition. Sir, the scenes enacted before the Presidency College are known to all. I saw that there was something like a seige,

and the beseigers, viz., the European sergeants, were having ice and lemonade and lunch, and the Indian constables their pan and sukha at the expense of the poor taxpayers after having done the day's work in charging picketers with lathis and canes and all bystanders, including professors of colleges and other members of the public. What was the result regarding the attendance of students at the Presidency College? A large falling-off in attendance on the part of the willing students who had been attending regularly. I understand there was an appeal to the Principal, Presidency College, by students who saw these acts of violence and lathi charges and cane-beating committed before their very eyes to stop this beating, and the reply of the Principal was that it was a Government institution and Government was responsible for law and order and that he personally had nothing to do with the ordering or stopping of the assaults, and that the officer in charge of the police force had his own orders. Sir, I hold in my hand two photographs showing the picture of cane-beatings inflicted on four students—Pasupati Mukherji, Arabinda Mitra, Ajit Banerjee and Khiti Mohan Ganguly. One would be surprised to see the severity of these attacks. Was such a brutal and barbarous attack necessary to disperse them who came only to persuade their fellow-students for leaving schools and colleges? We were all surprised to listen to the reply given by the Hon'ble Member in charge of law and order in reply to a question put by another hon'ble member, viz., that Government approve of the use of canes and lathis. Is this the spirit in which we are to push on education in a school or college? I would now come to the next phase, viz., the picketing of foreign goods shops. So far as I have read in the papers, except in the case of an European firm whose European assistant was given a slap on the face by a lady picketer for pushing her, there had been no complaint by any Indian firm that any violence was used by these picketers. Sir, we know that picketing has been made a criminal offence by ordinance, but physical violence on the part of the police has not been made lawful. Is the Government going to be carried on by lathi charges and cane-beating? If these methods fail, shall we have Jalianwala Baghs all over the country, putting an end to the lamentations and miseries of us all Indians.

5-15 p.m.

Rai Bahadur KESHAB CHANDRA BANARJI: I move that the demand for Rs. 8,78,000 under the head "26.—Police" be reduced by Re. 1 (to raise a discussion on the incident in the Curzon Hall compound in Dacca on the 21st July, 1930, resulting in the death of the student Ajit Kumar Bhattacharjee).

Mr. President, Sir, my object of moving this motion is to raise a general discussion on the manner in which police administration is

being carried on at present in this province with special reference to the recent happenings at Dacca. I would like to make it perfectly clear at the outset that I am not a civil resister myself nor have I anything to do with the civil disobedience movement which has been convulsing the whole of the Indian Empire, but as one who has always been in favour of our constitutional agitation, and as an elected representative of the people on this Council, I feel it my duty to bring to the notice of Government the unconstitutional and absolutely unjustifiable methods which are being adopted by the police in maintaining law and order in this country.

Sir, it grieves me most to recall the unhappy incidents which have been taking place at Dacca since May last. It is well-known how, in spite of their costly equipment and much vaunted efficiency, in spite of their being armed with very great powers, the police failed—and failed hopelessly—to maintain order, preserve peace, prevent bloodshed and avert the appalling loss of innocent lives, both Hindu and Muhammadan, in the streets of Dacca during the last riots. When the tension of feeling runs high and disturbances take place, the police have got certain obvious duties to perform. So far as the Dacca riots are concerned, the public feel that if the police had taken vigorous steps in the early stages of the riots, the riots would not have been protracted so long in the unhappy second city of the province and Dacca would have been spared the horrors of mob rule for about a month or perhaps more.

Sir, this is not all. I have only referred to the inactivity or inefficiency of the myrmidons of law. I will now cite a concrete instance of the misdirected activities of the Dacca police. The recent occurrence that took place within the compound of the Curzon Hall at Dacca has staggered everybody. Sir, I am referring to an incident which is really the province of my friend Rai Shasanka Kumar Ghosh Bahadur, who represents the University of Dacca on this Council. It was properly speaking his concern to move in this matter, but since he has not done it, I hope I will be excused for trenching upon his rights.

My only reason for ventilating the occurrence referred to is that it is of too serious a nature to be allowed to go unnoticed. Besides, a sense of duty as a member of the Dacca University Court impels me to bring the matter prominently to the notice of Government. The circumstances that led to this unfortunate incident are these:—

There was a peaceful picketing at the two entrances to the Dacca Intermediate College on the 21st of July last. One of the gates is opposite the Curzon Hall gate and the other at some distance to the east. No picketing was, however, going on anywhere near the Curzon Hall or the science laboratory of the University. Some students of the University were watching from inside the Curzon Hall compound

what was going on in front of the Dacca Intermediate College. The University students were all within the compound with the exception of a few who stood in front of the Curzon Hall gate on the grassy plot to the south of a line connecting two trees on the two sides of the gate outside. None of the students were on the public road. Some policemen were posted in a line to the west of the western entrance to the Intermediate College and to the west of the Curzon Hall gate, and a sergeant was there. Professors Dhirendra Chandra Ganguly and Birindra Chandra Ganguly came to the gate of the Curzon Hall compound and asked the boys to come inside the compound and close the gate. The students standing outside the gate at once obeyed the instructions of their teachers and began to come in. At this stage a high police officer came up in a motor car from the east and stopped near the gate. The sergeant approached the said police officer and is alleged to have spoken something to him. Orders were then reported to have been given to the police to charge. Immediately the sergeant and the policemen charged the boys with lathis without giving them any previous warning to disperse. The students then began to run away and the policemen rushed well inside the compound and started belabouring everybody they found within the range of their lathis. It is not understood what business the police had to enter the University compound without the permission of the Vice-Chancellor. In the mêlée that ensued, several students were wounded and three of them were so mercilessly assaulted that they could not move. They were beaten even after they had fallen on the ground. One of the students, Ajit Kumar Bhattacharyya, received severe injuries and was removed to the physical laboratory close by where he was attended to together with the other two, Hrishkesh Chatterji and Naresh Chandra Chakravarty, whose injuries were comparatively less serious. Ajit was unconscious till the last moment. He expired at about 11 p.m. on the same night. The mother and the elder brother of the deceased arrived at the last moment, and when on the following day the relatives of the deceased wanted to take the dead body by boat to Matuail, his native village, for cremation, this was not allowed; I do not know why permission was not granted. Suddenly, in the afternoon the dead body was removed in a motor bus to Postgollah burning ghat under the Municipality of Dacca for cremation and no opportunity was given to the relatives of the deceased to perform the last funeral rites as enjoined by the Hindu religion. I may add that Ajit Bhattacharyya had come to Dacca to obtain admission into the University and was going to deposit his fees when he met with his fate. Sir, this boy was as innocent as anything. He was not a picketer nor was he in any way connected with the boycott movement. He was a promising student having stood 14th in the Intermediate Examination in Arts from the Jagannath Intermediate College at

Dacca. It was during the last Dacca riots that his dwelling house at Matuail, about four miles from the city of Dacca, was looted and burnt by the hooligans and the family was deprived of what little they had. Sir, in making the above remarks, I simply bring to the notice of Government the way in which the mufassal police are discharging their responsibilities. The incident I have just narrated was witnessed by many well-known Professors of the University who have recorded their personal experience in writing and whose testimony cannot be disbelieved. Sir, I appeal to the good sense of Government and I hope they will consider my observations in the spirit in which they are made and take such steps as will prevent the recurrence of such incidents in future.

Mr. W. L. TRAVERS: Mr. President, we regret very much that Government has thought and felt it necessary to bring this demand before the Council, but that the demand is essential and necessary has been proved to-day not only by the speech of the Hon'ble Member in charge, but far more to my mind by the speeches of those members who have moved for reduction of the grant. We have heard a number of speeches which have brought a number of unauthenticated charges against the police. If they were true, if one could believe them, it undoubtedly would be the case that His Majesty's servants, the police, in this province might be considered violent, irresponsible and repressive; but, remarkable to relate, one has heard hardly a word about that great movement which is in reality responsible for the present situation in Bengal—that great movement—civil disobedience. Surely, really and truly, at the bottom of the whole of the trouble in Bengal to-day is this civil disobedience. Civil disobedience has caused lawlessness, and lawlessness is causing riot and murder. Sir, surely it is obvious that in this province at the present moment this widespread agitation, that movement amongst the Hindus of the province has gathered within its net men who have in reality but one aim, although indeed their methods of approach to their desire differ very much. The object of the more extreme is undoubtedly independence. Therefore, we have on the right of that movement the revolutionaries, those who caused that revolt at Chittagong. Then there was the sudden and cowardly attack by him who stabbed the poor sergeant in the back the other day. Those are on the left. Next come those who follow so-called non-violent civil disobedience. Finally, to our deep regret, although constitutional, although different entirely in their methods yet led by nationalist desire we find certain hon'ble members of this House who, to our deep regret, bring charges against the police—charges which, in my opinion, can never be substantiated. It is obvious surely that this movement is one to subvert Government and Government must govern. Government has to face that movement.

The executive moreover which they must use against the movement—the spear-head—is the police force. Surely, it is the unenviable and disagreeable duty of the police force to check and prevent not only ordinary crime but also political crime in this province. It is not the fault of the police that they have to do their duty which they hate so much. In my opinion—and in our opinion on this side of the House—our entire sympathy goes to those officers, British and Indian, whose duty it is to do this work. We know that it is having an effect upon some of them which will last the whole of their lives. I have known, Sir, in this province, as have many in this House, a large number of British and Indian police officers, and I am glad of this opportunity to bear evidence that all these officers whom I have known are gentlemen in the best sense of the word. They are high principled and the large majority of them have a sincere sympathy with the aspirations of India and Indian people for self-government. But they have to do their duty. The assertions that I have listened to-day that they have gone beyond their duty—I cannot believe, I refuse to believe, and I think they are not true. More than that I am convinced that in circumstances most difficult, most trying and most harassing the police of this province, generally speaking (there may be here and there an exception), have shown admirable moderation and admirable restraint in most difficult circumstances. Think of the long hours they have had to work and of the insults, and not only insults but bricks and stones hurled at them. When we have an agitation like civil disobedience, lawlessness is bound to follow—it calls out the hooligan. I know perfectly well that the hon'ble members on the other side of the House condemn that lawlessness as we condemn it, but at the same time, it is a fact that the agitation, spread throughout the country, following years of abuse of Government in the Indian Press, is bound to lead to general lawlessness. And what does that general lawlessness means? It means that the difficulties of the police grow more and more. In my opinion the time has come when all reasonable men should now and at once call a halt to this movement of civil disobedience. Surely, it is a fact that, whatever you may think, Great Britain is doing her best at this moment to evolve a manner in which she can hand over the responsibility of Government in this province to the people of Bengal. I would ask the members of this House to remember that future which is before them. There are on that side of the House at this moment hon'ble members who will surely, within two years, be responsible Ministers of Bengal sitting there and they will have to work under them, that police force against which to-day they have hurled all these unfounded and unauthenticated insinuations.

Mr. SYAMAPROSAD MOOKERJEE: May I rise to a point of order? Is the hon'ble member entitled to say that the assertions made by a member of this House are unfounded?

Mr. PRESIDENT: That is his impression.

Mr. W. L. TRAVERS: With regard to the interruption I say that if any responsible member in this House has an authenticated case where the police have erred or overdone their duty it is the duty of the member to bring that complaint to the responsible authority for a due enquiry.

In conclusion, for the sake of the future, I assure the hon'ble members of this House (they know it I am sure) of the sympathy I have myself for their aspirations for self-government, and I ask them to treat the police force of this province with more sympathy and with more justice. Remember the hardships and the danger that have fallen to the lot of the police in this province, for no fault of theirs, but because of their simple and plain duty to His Majesty the King-Emperor.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I had anticipated that when hon'ble members of this House come forward to move motions for reduction of the police grant, as it happened yesterday when there were motions for reduction of the Jail grant, hon'ble members on the other side will have a suspicion, and perhaps more than a suspicion that these gentlemen are persons who are supporting the civil disobedience movement; or in other words they are civil resisters in disguise. The hon'ble member, who has just preceded me, has read us a lecture on the civil disobedience movement which, I suppose, has as little connection with the matter before us as the climate of Lapland. Yesterday, Sir, Mr. Fazlul Huq made the same charge, trotted out the same horse, against me by saying that in asking for reduction of the Jail grant—which I supported to show want of confidence in the Jail administration—I was supporting the civil disobedience movement. Sir, I want those hon'ble members of the House to remember that the civil disobedience movement is not under discussion in this Council. If it were, I can assure my hon'ble friends that I should be using strong terms in condemnation of the movement, which I deplore more than any member on the other side. If my friend, Mr. Fazlul Huq, had cared to study my public utterances, he would have found that I had not concealed my antipathy towards that movement. He knows also that I am not in the habit of changing my opinions as one changes one's clothes, like some other person whom he knows. If I were asked my opinion of the civil disobedience movement, I would say without hestitation that it was ill-conceived and ill-timed and, in the manner of its execution it has gone beyond the limits of even decency in some cases. But that is not the point before us. Because there is the civil disobedience movement, because there is lawlessness outside, because there is violence, because there are robbers and looters outside, that is no reason for lawlessness

on the other side. When I ask this House to vote in favour of the reductions which have been proposed, I do not ask them to give the slightest support to the civil disobedience movement, but I ask them to record their disapproval of the excesses with which the police have been charged. Sir, the hon'ble gentleman opposite has been pleased to criticise the stories about the excesses of the police which my friends have given to the Council as "unfounded" and "unauthenticated." That may have been his impression obtained while he was sitting in his armchair under an electric fan, but that is not true. When responsible members of the House come to narrate the incidents before us, they have, at any rate, the right to expect that their statements would be taken as responsible, and I am sure before this debate is ended, the House will hear other accounts from persons who have been eye-witnesses to some occurrences and whose veracity cannot be questioned. But, Sir, I do not ask Mr. Travers to rely on the statements of members of this Council. I wonder however if he attempted to grasp the truth about facts, which was indicated by the way the Hon'ble Mr. Prentice and other hon'ble members on behalf of Government tried to reply to the questions I had the honour to put to them regarding the Mymensingh shooting. It must have been clear to the House, from the answers given by the hon'ble members, that for the purpose of forcing the passage of a wine cart which was said to be required by the wine-dealers for the supply of liquor to the drinkers and drunkards in Mymensingh, Government thought it worth while to risk the loss of life. The Hon'ble Minister told us that they had full knowledge and had anticipated such opposition as required calling out of the armed police. I am not putting a single thing which is not to be found in the answers which were given by the hon'ble members on behalf of Government. The opposition came in the shape of people lying on the road, blocking the way for the passage of the wine cart. And what was done? The Hon'ble Mr. Prentice was asked to say whether the Satyagrahis were responsible for anything other than that—for any opposition other than lying down the road, blocking the passage of the cart. He did not give a straight answer, but he indicated that they threw brickbats, rather—I will not put it in that way—brickbats were thrown at the police. But by whom?

5-45 p.m.

Were they thrown by the Satyagrahis? The Hon'ble Mr. Prentice had to admit that they were thrown not by those who were lying on the ground but by others, that is to say, not by the Satyagrahis. That was the situation, Sir, a situation of great gravity had arisen and why? Because a wine cart was being taken for the benefit of drunkards and drinkers of Mymensingh. In these circumstances one should have thought that the authorities in charge of the police would be the first to suggest that the wine cart should be taken back and those persons who had resisted should be prosecuted and taken to the police-station.

That would have been the most sensible course. But no, that course was not taken and the passage had to be opened with force. I will assume, Sir, that a few brickbats were thrown. Then shots were fired. At whom? Did those shots include those that were lying on the ground in the path of the cart? Well, Sir, at any rate some of them were shot at, they who had used not the slightest violence. Even supposing, Sir, that brickbats were thrown, should the police have taken the steps that they did? Was it the right thing to do the Hon'ble Member was asked. He took shelter behind the lawful rights of the police. Sir, I venture to think that I have studied a little law and I am not prepared to accept the opinion of the Hon'ble Member with regard to the lawfulness of the things that were done, and if it were not a fact in India criminal cases are tried by persons who are themselves responsible for the occurrence, or by their subordinates, if it were not a fact that tribunals here are not an absolutely impartial body if people had confidence in the impartiality of criminal justice in such cases, it could be demonstrated that all this was not within the law. But assuming that it was within the lawful powers of the police, was it the right thing to do, was it the proper thing to do? Should the police have acted in the way in which they have acted as guardians of law and order? The answer cannot but be in the negative. If that is the use which you are going to make of the police I do not think any right-minded man can give an unstinted support to this demand for money for the police. I know, Sir, that the civil disobedience movement, the non-violent nature of which has now become a misnomer, makes a great demand upon the ability and patience of the police, but having regard to their conduct on this occasion I ask the House to vote against this demand to express disapprobation of the whole policy which has brought about this situation. Sir, I am opposed to this grant because I am opposed to the civil disobedience movement. For I make bold to say that it is the Government that have brought the movement to a pass in which nothing but violence can meet the situation. Sir, the events of the last few months are not unknown to anybody. We know that when the salt movement was started what little response it really received from the country, and when everybody was going out to manufacture salt in the hope of achieving martyrdom or going to jail, what a disappointment met them when they found that day after day passed without the Government arresting them. We know, Sir, that there was a considerable amount of doubt and misgiving even in the minds of those who went to break the salt law. But soon the Government turned over a new leaf and the welcome news came to the satyagrahis that arrests were being made. Stories, often exaggerated no doubt, but also true stories were circulated of police attacks upon the salt manufacturers. Sir, what was the necessity for attacking these salt manufacturers? It was so very easy to deal with the situation otherwise than by using violence, otherwise than by making prisoners

of these people. Why could not the police go to these salt manufacturers and take charge of the salt manufactured by them for realising duty from them? That would have been a sensible and rational way of dealing with these people. But that was not done. Assaults were made upon the salt manufacturers and arrests were made in large numbers. Then the fact was on the fire. People who were doubtful of the success of the movement and even those who had ridiculed the movement now came forward, attracted by the chance of winning martyrdom and of winning an easy path to fame. Once the Government had showed its fangs new forms of the civil disobedience movement began to spring up and Government in a panic issued a number of ordinances and started police rule by violence, which perhaps, according to the estimate of the Hon'ble Mr. Prentice, was necessary. Sir, it might have been necessary from a narrow point of view; it might have been necessary had it been merely a village disturbance created by rioters or a lawless body. But it was here the Government made a mistake. The Government had not the slightest idea that behind this civil disobedience movement, however unreasonable it might be and however ill-directed it might have been, lay the life and mind of the nation at large. Sir, the objective towards which the civil disobedience movement was directed was one with which every Indian has the fullest sympathy. Naturally, therefore, the result of this repression was not that people were frightened out of their activity as Government hoped they would—rather they were stimulated to greater energy—and even people who were lovers of peace were whisked off from their position of pacificism and thrown into the arms of the law-breakers. Sir, I am speaking from personal knowledge that persons who were more than doubtful of this movement and who disapproved of it at the start were egged on to join it as a result of police excesses.

I have known the case of a young boy who had not much of nationalism in him and who went about in English clothes————

(Here the member reached the time-limit.)

Mr. NARENDRA KUMAR BASU: I shall not attempt to follow the last speaker but one, the leader of the European group of the House, in imputing motives to those who made speeches in opposition to our views; I shall not say that Mr. Travers must have been feeling the effect of the civil disobedience movement on his trade and on his commerce and was smarting under a sense of injury and was therefore levelling charges right and left. I will not say that. I will assume that Mr. Travers takes Government accounts as gospel truths, and I will assume that Mr. Travers is correct when he says that all policemen are the best men in the world. I shall assume that but I shall ask the House to consider whether the conduct of the police during the last few months has been lawful. As an individual having had something to do with

the practice of law for the last 30 years in Calcutta I claim to have some knowledge of the criminal law and I say that the only power given to the police is where an unlawful assembly does not disperse when commanded to do so; the only power given to the police is that they may use force, but the force must not be unnecessarily violent and the police must not use such force as is not strictly requisite for the purpose of dispersing the assembly. During the last four months events have taken place in various parts of the province. I shall deal with them one after the other and I shall first take up the case of Calcutta and then of Dacca and Midnapore. I shall not deal with the case of Mymensingh, the horrors of which have been very graphically described by a previous speaker. I saw in the streets of Calcutta, we have seen, not heard, not merely read in newspapers, young men and boys horribly beaten, beaten black and blue; I have seen boys in hospitals with tremendous wounds on their persons received at the hands of the police. Only this morning I found five young men with bruises on their persons who had been arrested in Burrabazar while picketing so-called foreign cloth shops. They were taken to the police-station, beaten there and released at 12 o'clock midnight. I say that all these things are not only connived at but are done practically under the orders of the Hon'ble Members of the Executive Government I say that because when I put the question yesterday whether Government had passed any orders objecting to young boys being hit and assaulted, the Hon'ble Member replied by saying that the police had orders to use canes and lathi charges to disperse unlawful assemblies, and when I pressed the question whether these instructions included boys of tender age no answer was given. Presumably, therefore, the orders do include the boys and youngsters, and I say that if it is sanctioned by the Members of Government it is no wonder that police men all the world over who are known to be apt to take an ell when given an inch will beat people while they are not members of an unlawful assembly but under arrest in police-stations. I do not know if the reports in the newspapers for some little time even under the ordinance of these unwarranted assaults on boys have drawn the attention of the members of Government and whether they were pleased to enquire into the matter. I am sure that if they had done so these things would have stopped in Calcutta.

There is another aspect of the police activity in Calcutta—what, under the Penal Code, is called abduction of women. That is what the police are doing. You know that lately a lot of female picketers have been arrested by the police, put into lorries, taken out into the interior and left there to find their way back home. I say it is abduction. If it is a question of arrest which the police are empowered to do they should have taken the ladies to the police-station because the law says that as soon as you arrest an individual you must take him at once to the police-station, but if you are not arresting a person, and if you use force on that

person and compel him to go somewhere where he is not bound to go, you are committing the offence of abduction.

6 p.m.

Then, Sir, we all know—the Hon'ble Members of Government may not know, but we all lesser mortals know—that innocent persons have been injured and arrested in the streets of Calcutta. Why was a young Professor of St. Xavier's College, who was purchasing a book in a book-shop in College Street, assaulted by the police? His sole crime was that he tried to defend himself from being assaulted. He was hauled up before a Magistrate and sentenced to six months' rigorous imprisonment. That is the way things were and are still being done in the streets of Calcutta by the police.

Sir, I do not think that many words are necessary from me to bring to the notice of this House the horrible state of affairs which the police have brought about in the streets of Calcutta. Yesterday we heard a limb of the Executive Council saying that inasmuch as the civil disobedience movement started lawlessness, it did not lie with us to complain against Government for using force. Sir, I do not think that that can be the sentiment of the whole body politic—of even this bureaucratic Government. But if that be so, I do say, Sir, that that has certainly not the sanction of the law; and because the other side is lawless, it does not authorise the police to be lawless also. Then, Sir, I shall take up the case of Dacca. I should like to mention the fact that in the Indian Legislative Assembly Mr. K. C. Neogy made it perfectly clear that the police did not give any assistance whatsoever to the people who complained of assaults at the hands of hooligans. And, so far as I remember, Sir, the only reply given by the Hon'ble the Home Member of the Government of India was that the matter was being inquired into by the Committee which was appointed on the 4th of June last, and on whose report Government would be able to make a statement. Well, Sir, that Committee was appointed on the 4th of June last, and on the 17th July the newspapers said they had submitted their report, and to-day is the 12th of August, and that report has not yet seen the light of day. I am afraid that if that report were published, it would not help Government in getting any support for its failure to protect the unfortunate Hindus of Dacca.

Then, Sir, I shall refer to the incidents of Midnapore, regarding which the Hon'ble Member has been pleased to give certificates to Mr. Peddie and Mr. Kidd for their "wonderful work" in that district. Sir, the wonderful work which Mr. Peddie has been doing is certainly apparent from the report of the non-official committee of inquiry which was headed by my hon'ble friend Mr. Jatindra Nath Basu, who visited several parts of Midnapore in June last, and the most wonderful fact about this ex-soldier and civilian is that he is beating boys as well as women, not to speak of men.

The Hon'ble Mr. W. D. R. PRENTICE: *May I ask if Mr. Basu is prepared to take responsibility for this statement?*

Babu JATINDRA NATH BASU: Yes.

Mr. NARENDRA KUMAR BASU: Sir, I submit that the report of that Committee, short extracts from which were read out by Mr. Neogy in the Indian Legislative Assembly, and which, with your permission, I shall read to this House, shows the way in which the police have been behaving in that part of the country, which is certainly not

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Mr. PRESIDENT: I dare say these will not be very long.

Mr. NARENDRA KUMAR BASU: No, Sir. I shall read only two or three extracts.

The report says: "Then they (the commissioners) re-entered that village and went to the house of Mahendra Nath Samanta and made notes of the damage which they saw there and which was said to have been done by the police that morning. The members found that a large number of earthenware vessels in the house had been broken, some books, primary text-books and papers had been scattered about in the verandah and in the courtyard, a part of the thatch of the roof with the framework had been pulled down. Some paddy bags had been cut open and part of the contents had been strewn about and some pumpkins smashed. The members next visited the house close by where they found a girl about 18 years old in an advanced stage of pregnancy. Her name was Ambu. She was lying down on the verandah apparently still suffering from shock and pain. She was breathing with difficulty. Her eyes were closed with tears trickling. She made her statement with some difficulty. She complained of her breast being twisted and of her being kicked on the hip."

If this is the way—the most delightful, the most magnificent, and the most wonderful way—in which Mr. Peddie and his subordinates work, I think, excepting perhaps the Hon'ble Members of Government, no other part of this House will support the conduct of Mr. Peddie and his underlings—not even the European members.

Then, Sir, I shall read another passage. As a result of the examination of female witnesses, the Committee says: "Seven female witnesses were examined, some of whom still bore marks of injury on their persons. All of them complained of severe assault by canes, fists and kicks. They also said that the clothes of some of them had been torn off their bodies, and they produced some such clothes. A middle-aged widow, Kurani Dasi, stated that she had been so roughly handled and pulled about that she had fainted."

The Committee also found that, besides loss and destruction of household articles, grain, and foodstaff, there were several complaints of loss of cash. One wealthy respectable villager————

(Here the member, having reached his time-limit, resumed his seat.)

CHIEF SECRETARY to GOVERNMENT (Mr. W. S. Hopkyns): Mr. President, Sir, the time is already limited, and I will not attempt to go far into what we have heard this afternoon. We have heard from this side of the House (right) about incident after incident as the members have seen, or rather as they have heard about, them. But the descriptions that we have heard show to my mind how great has been the effect of that stream of virulent propaganda that has been poured out into Bengal in recent years. Of these incidents, I will take the last, viz., the incident of the pregnant girl whose breasts are said to have been twisted, and I would ask Mr. J. N. Basu whether it is true that he told the Subdivisional Officer of Tamluk that he did not believe it and that it was a false statement.

Babu JATINDRA NATH BASU: No.

Mr. W. S. HOPKYNS: Well, Sir, I will now speak about Mymensingh, a district where I was the District Officer for a long time. I propose to reply briefly to what my friend Mr. Satish Chandra Ray Chowdhury has said. But, before I do that, I should like to refer to Dr. Naresh Chandra Sen Gupta's remarks about the incident in the excise godown in Mymensingh, because it seems to me that his attitude on that question illustrates the complete difference of attitude on his part and ours. His attitude on that occasion seems to have been this. Here are the excise dealers, themselves owners of liquor shops, who are bound under their contract to provide liquor. They come along and say: "We want a supply of liquor." The authorities know perfectly well that a lot of civil disobedience volunteers intended to resist the issue of liquor. Now, what did the civil disobedience people do? They sent a certain number of boys to go and lie down on the road in front of the cart, and many others went with them. The Additional District Magistrate and Superintendent of Police, along with one or two other officers, and a number of constables go to see that there is no disturbance of the peace. The cart was loaded and started on its way—a perfectly lawful thing to do. The volunteers lay down on the road to stop it—which is perfectly unlawful. The constables removed them. Now what happens? The crowd, the satyagrahis, start stoning the police. What happened next? The Additional District Magistrate waited for five minutes. I would ask the House to remember the extraordinary patience shown by the police who stood the stoning, the ill-treatment,

and the abuse for these five minutes. Then they tried to disperse them. The crowd resisted, and then there was firing. What would Dr. Naresh Chandra Sen Gupta have done? He would have given way and taken the cart back.

Now, Sir, I shall pass on to the Kishoreganj riots. Mr. Satish Chandra Ray Chowdhury has given us an account of a wonderful district in which there was peace and happiness until these unfortunate events happened. Unfortunately, Sir, I cannot believe it altogether, because I happened to be the District Magistrate of Mymensingh some years ago. I can remember that in those days there were money-lenders and debtors, and that at that time there was not very much of kindly feeling between them. I can remember having to make arrangements to protect the money-lenders from anticipated riots during certain festivals which bring trouble between Hindus and Muhammadans. Sir, I would not presume to refer to your own knowledge of the state of affairs in the subdivision of Tangail. But I would ask Mr. Satish Chandra Ray Chowdhury whether it is not a fact that shortly before the riots he removed, or at any rate he advised the removal of, one of the naibs of a zamindar.

Babu SATISH CHANDRA RAY CHOWDHURY: I submit, Sir, that on account of intensive propaganda carried on by means of meetings which were addressed by preachers the lives of all persons were made miserable and insecure. Threats were being used against the naib referred to, and if the naib remained there, certainly he would have been done to death. The matter was brought to the notice of the District Magistrate, but no action was taken.

6-15 p.m.

Mr. W. S. HOPKYNS: That is as Mr. Satish Chandra Ray Chowdhury states. There was a meeting on the 7th, and on the 11th this outbreak took place. By the 16th the outbreak was suppressed. I would like to ask this House to remember that the outbreak described by Mr. Satish Chandra Ray Chowdhury was serious; this outbreak was suppressed within five days. In Mymensingh district in my time there were about 1,800 police altogether. As you know, it is a big district with fifty odd police-stations. There are ordinarily one sub-inspector, one assistant sub-inspector and perhaps half a dozen constables in each station. I think that that charge of Mr. Satish Chandra Ray Chowdhury that the police did not at once go and stop these riots in villages which are three miles off, is not altogether reasonable. It is a little difficult for a sub-inspector to restrain a murderous gang of people with two or three constables. What happened was that immediate efforts were made by an inspector and

if, as mentioned by Mr. Satish Chandra Ray Chowdhury, the Subdivisional Officer had not come to the rescue of the inspector, the inspector would otherwise have undoubtedly been murdered.

With regard to investigation I would like to read what the District Magistrate has to say about it. He recognises that the people say that enough of arrests have not been made. He says: "As regards the complaint that, while the initial disturbances were energetically dealt with, the subsequent proceedings have not been sufficiently vigorous, I may say that we decided definitely that selection of the accused persons to be charged was necessary in the circumstances of the situation. The aus paddy crop was ready to be cut, and the jute crop was practically ripe. If, therefore, we had gone in for wholesale house searches and arrests without first examining the cases reported in each village, it is possible that the whole of the Muhammadan tenantry would have left the locality and the ultimate position would have been one of general scarcity and famine. Further, the Hindus of the locality were not themselves in favour of punishing the rank and file of the Muhammadans, their hope being apparently that these people would return the documents they had taken of their own accord once they realised that they had been misled in the matter of Government support." I would just mention that he tells me in the same letter that already a large number of the really guilty people who instigated this looting have been placed under arrest. He refers to the question of the mischief-makers from outside. He says: "I have never pretended that mischief-makers from outside did not make use of the position for their own ends by telling the ignorant cultivators that Government would not interfere with them if they took back their documents forcibly from the money-lenders. These abettors came mainly from outside, but there were also a certain number within the affected areas. I obtained a list of the latter early in the proceedings and most of them have already been arrested." I would put it to the House that that is an eminently sound and sober view for the District Magistrate to take of the position, to go for the ring-leaders and arrest the mischief-makers and leave the cultivators to cultivate their crops.

Babu SATISH CHANDRA RAY CHOWDHURY: My speech related not to the fact that in certain cases any obstacle should be put in the way of cutting paddy and jute, but I referred to the situation created on account of sufficient number of arrests not being made, resulting in threatening of witnesses and stifling of cases. I gave one instance. All I want is an assurance from Government that the present state of things will be remedied. It is not an accusation I made against the District Magistrate.

Mr. PRESIDENT: You are making a statement which you cannot do now.

Mr. W. S. HOPKYNS: With regard to the last point raised by Mr. Satish Chandra Ray Chowdhury, the alleged wounding of a witness, the District Magistrate's report, if you will trust my memory of it, shows that there was a burglary in which a Malo was severely injured. According to the District Magistrate that has nothing to do with this case. Well, Sir, my whole point is this that you have in this case an example of good work done very quickly; you have an example of how you can trust the District Magistrate to finish off a job properly. I would deprecate very strongly any idea of savage treatment of the Mymensingh peasantry. He is an ignorant and superstitious man, but he is a good cultivator and he has very many good points.

Mr. PRESIDENT: I find that according to the time-table the guillotine falls at quarter to seven. I should like to know what time the Hon'ble Member in charge of the department concerned would take to reply.

The Hon'ble Mr. W. D. R. PRENTICE: I will try and finish in ten minutes.

Babu JATINDRA NATH BASU: Sir, the Hon'ble Member has asked for this grant on the ground of the prevalance of the civil disobedience movement in its present form in the province. We in this Council do not stand for the civil disobedience movement. The Hon'ble Member has also said that the civil disobedience movement has not been as non-violent as it has been stated to be, and therefore the executive has had to take measures which have rendered a larger police force necessary. So far as the district of Midnapore is concerned, there were complaints of excesses by the police and a number of men came on deputation to Calcutta, asking people to make enquiries. A meeting was held and a committee of enquiry was appointed. I was included in that committee of enquiry and I went to the subdivision of Contai in the district of Midnapore. When I happened to arrive at a village one morning I found that there had been a police raid within an hour. The police and the Subdivisional Officer were there. I was taken to some of the houses of the villagers. In the first house that I entered I found the domestic utensils and other things pulled about, thrown down and smashed; I also found a part of the thatch of a hut pulled down from the roof, and as sometimes happens in the houses of cultivators, there were a number of pumpkins hanging and those pumpkins had not only been pulled down and smashed, but the police not being satisfied with this made holes in them by their lathis so as to make them unfit for human consumption. I also found some bags of seed grains cut open and the seeds thrown down into the mud of the little court-yard of the house and mixed up with the mud. We all know how valuable these seed grains are to the poor peasants.

6-30 p.m.

Mr. A. K. FAZL-UL HUQ: Sir, as the time at my disposal is short, I do not wish to say anything in reply to the personal allusions that have been made. But I wish to say a few words to make the position of our party clear. So far, Sir, as the main motion, i.e., the demand is concerned, the Moslem members are practically unanimous and they will vote in favour of it if any division is called. As regards the motions for reduction, we have decided to vote against all these motions except the one which stands in the name of Mr. Syamaprosad Mookerjee which seeks to raise a discussion as to the allegations of police excesses in their attempts to deal with the civil disobedience movement. We need hardly say, Sir, that we are committed to oppose this movement—but some of the members of our group are of opinion that there have been excesses committed by the police—some members have borne personal testimony to the fact, and there can be no doubt, that in certain cases the police have gone beyond limits. We do not, of course, mean to suggest that this has been done under the authority or at the instigation of the superior officers. I may tell my friends that so far as I am concerned, I do not believe 99 per cent. of all that appear in other newspapers. I have seen false things attributed to me—of things which I have never spoken. Therefore, Sir, so far as the newspapers are concerned, I always throw them into the waste paper basket. So far as the motion of Mr. Syamaprosad Mookerjee is concerned, Muhammadan members are prepared to vote for it, not as a vote of censure but to draw attention to the fact that there have been really cases of excesses committed by the police in which even Muhammadans, who have had really nothing to do with civil disobedience, have received lathi blows. With these few words I wish to say that so far as the main motion is concerned, if it is put to vote, we will vote solid in its favour: as regards the other motions we will oppose them: and as regards the motion of Mr. Mookerjee, the majority of the members of our group are of opinion that they will vote for it, in order to draw the attention of the Hon'ble Member to the fact that there have been in some cases excesses committed by the police.

Mr. B. C. CHATTERJEE: I rise to speak firstly on the ground that Mr. Travers made certain allegations which ought to be traversed. In the first place, he seems to imagine that there is some kind of a subtle link or bond between us and those who are practising civil disobedience. He has no right to make any such statement, as the very fact that we have come here is proof positive that we differ from those who are carrying on civil disobedience. In the second place, Mr. Travers used an expression to which I take very serious exception. He used the word "unauthenticated" a number of times with regard to the statements of various acts of police oppression which were given out by various members of the House. Mr. Travers ought

to realise that every one of us, Indian members of the House, is at least as responsible in making a statement as any gentleman sitting to our right; and it would not do to flout any statement made by an Indian member of the House by merely calling it "unfounded" or "unauthenticated." In the third place———

Mr. W. L. TRAVERS: May I rise on a point of personal explanation? I have no desire for one moment to make personal aspersions on any member of this House, but my point is that there have been unfounded aspersions made on the police.

Mr. B. C. CHATTERJEE: I submit, Sir, that Mr. Travers is not quite well informed. His point is that we who make these allegations against the police should go to the courts for redress. I ask Mr. Travers to go to court with me, and he will find out that when any complaint is made by him against the police, he will be beset with any number of difficulties. If it be against a person who ranks as a "public servant" we have got to get the sanction of Mr. Prentice for it, and it will take some doing before we get the sanction of Mr. Prentice for the prosecution of a public officer. If it is against a constable or a sergeant, the Police Magistrate will have to refer the matter to the Commissioner of Police, and we know what the Commissioner of Police does. He dismisses it merely by saying there is nothing in it. Therefore the best thing for Mr. Travers would be to adopt some disguise———

Mr. W. H. THOMPSON: I would like to call attention to unauthorised aspersions on the Commissioner of Police.

Mr. B. C. CHATTERJEE: As I was saying, these gentlemen, however well informed they may be about matters of business, know nothing about the police; that is the great difficulty. The Commissioner of Police is in that state of mind in which he cannot believe anything against any of his subordinates. It is a case of extreme loyalty to subordinates. All I wish to say is this: If Mr. Travers would try and hide himself in some bookshop in front of the Presidency College, and see what goes on there from day to day he will come and vote with me. Let him try this experiment. As soon as a boy comes and stands on the opposite side of the Presidency College and shouts "Bande Mataram" the sergeant at once runs for him, kicks him in the face and batters him down to the ground, and then throws him into the jail van. That is what is being done in the name of law and order by those who call themselves public servants. Neither Mr. Prentice nor the Chief Secretary knows anything about it.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I was glad to hear that Mr. Fazl-ul Huq and his party did not intend to vote against the

grant, but I was sorry to hear him say that they would vote for the cut proposed by Mr. Syamaprosad Mookerjee. For it seems to me that the two positions are entirely irreconcilable. Mr. Fazl-ul Huq said that he did not believe 99 per cent. of what appeared in the newspapers nor that it was Government's policy to do these things. There were, however, some members of his party who, he said, knew personally that there had been some excesses or violence committed by the police in some individual cases. This is entirely different from the allegation of Mr. Syamaprosad Mookerjee that there is a deliberate policy of oppression and repression pursued by Government. This I gather Mr. Fazl-ul Huq does not support. Therefore, it seems to me that the two positions are entirely irreconcilable. Apart from that, I entirely deny Mr. Syamaprosad Mookerjee's statement. I do not believe myself that he could personally vouch for any of the occurrences he mentioned, except the case he examined himself about which I accept his statement. If the occurrences had been brought to my notice, I could have had enquiries made. But so far as I am aware, not a single one of these cases was brought to my notice.

As the time at my disposal is short, I cannot deal with all the incidents referred to by the various speakers. I can only refer briefly to the more important of them and first must come the case that was mentioned by Rai Bahadur Keshab Chandra Banarji. Now that really is a sad case, because there a young boy in the very prime of life has met his death in a mêlée during one of the disturbances in Dacca. Unfortunately, I cannot accept the statement of facts as given by the Rai Bahadur, because I have just received the inquest report of the District Magistrate. It shows that far from the road being empty and nobody being there except the police, what happened was that there was a crowd both at the entrance to the college and on the road. Mr. Hodson, the Superintendent of Police, who was driving down the College Road to go to his office saw this crowd and came along to see what was happening. Finding an unlawful assembly he then divided his force and put half under the sergeant who was in charge and asked him to clear the road to the east while he himself took the other half and cleared the road to the west. In the mêlée that ensued the boy sustained injuries from which he died. But the accounts given by Mr. Syamaprosad Mookerjee on the basis of the statements of various gentlemen of Dacca do not quite coincide with the official versions—one of which is that of the Civil Surgeon who saw the boy alive in the college building and another is that of the Assistant Surgeon who held the post-mortem examination. The post-mortem report says that there were only five wounds found at the inquest on that boy's body. That is the report of Dr. Bidhu Bhusan Pal, Teacher of Medical Jurisprudence in the Mitford Hospital.

Mr. SYAMAPROSAD MOOKERJEE: The second report was posted from the steamer.

The Hon'ble Mr. W. D. R. PRENTICE: If everything that a Government officer says is false and forged, then I have nothing more to say.

One was a swelling on the outer side of the right eyebrow with a small abrasion in centre. The second was a swelling about 1 by ½ inch between the right ear and the right eye. The third was a swelling about 1 by ½ inch between left ear and left eye. The fourth was an abrasion at back of left elbow about the size of a 4-anna bit, and the fifth was an abrasion about the size of a pea on the right knee in front. Colonel Bamford saw the boy alive in the college and examined him. He found that the only external mark on the boy's head was a small one, hardly more than about one quarter of an inch————

Mr. SYAMAPROSAD MOOKERJEE: Then, did the boy die out of sheer cussedness?

The Hon'ble Mr. W. D. R. PRENTICE: The final conclusion of the District Magistrate is that the boy died of misadventure, and Government are advised that on the evidence—21 witnesses were examined—no other finding is possible. This, as I have said, is one of the saddest of cases—a young promising boy who in the prime of life met his death in the circumstances I have explained. All that I can say is that it was no policy of repression or savage oppression which brought about the boy's death, and that our deepest sympathy goes out to his relatives.

There have been various allegations also made by Mr. Mookerjee. He has referred to the causes of the death of Ajit Bhattacharji and I have just given you the facts. As regards the Khulna case of the wife of Babu Nagendra Nath Sen, what happened was that the lady was wounded and the District Magistrate promised to hold an enquiry. When he wanted to go to the lady's house, he received a letter from the sons of the lady in which they said that they were not willing that she should be examined; so no enquiry was possible. Mr. Chatterjee made some allegations about the beating of boys in Calcutta. All I can say is that it seems unlikely that wounds could be inflicted by the police with such weapons as split canes. However, as no complaints have been made to us, all I can say is that the allegations have no support save the statement of the hon'ble member who made them.

6-45 p.m.

Regarding Contai it is true that Mr. Basu went down there but unfortunately the report that we have from Mr. Peddie regarding events there is diametrically opposed to that given by Mr. Basu.

Mr. PRESIDENT: Order, order, the Hon'ble Member must resume his seat, as the time limit is reached and I must forthwith put every question necessary to dispose of the demand under discussion. I find that, of all the amendments now before the House, Mr. Syamaprosad Mookerjee's amendment is considered to be the most important by Hindu as well as Moslem members. I will, therefore, put that amendment to vote. Council's decision on that will govern the fate of the rest.

The motion that the demand for Rs. 8,78,000 under the head "26.—Police" be reduced by Re. 1 (in order to raise a discussion as to the conduct of the police and the excesses committed by them during the last four months) was put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Saleh, Maulvi Syed Majid.
Sal, Mr. Sarat Chandra.
Banarji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Bural, Babu Gokul Chand.
Chatterjee, Mr. S. C.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chowdhury, Haji Sadi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Heque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.
Law, Mr. Surendra Nath.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Seth Hunuman Prosad.
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mahan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hasani.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Mr. Bijoy Prasad singh.
Ray, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Roy Chaudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.

NOES.

——, Maulvi Shaik Rahim.
Basir Uddin, Maulvi Mohammed.
Blandy, Mr. E. N.
Burn, Mr. R. H.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Clark, Mr. L. A.
Coben, Mr. G. J.
Cooper, Mr. C. C.
Dain, Mr. G. R.
Dash, Mr. A. J.
Dawson, Mr. G. G.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sunil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Goenka, Rai Bahadur Badridas.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hegg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur.

Hussain, Maulvi Latafat.	Rahman, Mr. A. F.
Kasem, Maulvi Abul.	Rahman, Mr. A. F. M. Abdur-
Khan, Mr. Razaur Rahman.	Ray, the Hon'ble Kumar Shib Shekhareswar.
Laird, Mr. R. B.	Saadatullah, Maulvi Muhammad.
Luke, Mr. N. R.	Sarkar, Sir Jadunath.
Maguire, Mr. L. T.	Sarker, Rai Sahib Rebati Mohan.
Marr, the Hon'ble Mr. A.	Smith, Mr. R.
McCluskie, Mr. E. T.	Solaiman, Maulvi Muhammad.
Mitter, the Hon'ble Sir Provash Chunder.	Stapleton, Mr. H. E.
Mullick, Mr. Mukunda Behary.	Steen, Lt.-Col. H. B.
Nag, Reverend B. A.	Stevens, Mr. H. S. E.
Nazimuddin, the Hon'ble Mr. Khwaja.	Suhrawardy, Mr. H. S.
Nelson, Mr. J. W.	Sumner, Mr. C. R.
Norton, Mr. H. R.	Thompson, Mr. W. H.
Ordish, Mr. J. E.	Travers, Mr. W. L.
Pinnell, Mr. L. G.	Twynam, Mr. H. J.
Prentice, the Hon'ble Mr. W. D. R.	

The Ayes being 54 and the Noes 56 the motion was lost.

Mr. PRESIDENT: As it is not necessary to put the other amendments I would now put the original demand to vote.

The motions of Mr. Shanti Shekhareswar Roy, Mr. S. M. Bose, Babu Satish Chandra Ray Chowdhury, Babu Satyendra Nath Roy and Rai Bahadur Keshab Chandra Banarji were not put and were deemed to be covered by the decision on the previous motion.

The motion that a sum of Rs. 8,78,000 be granted under the head "26.—Police" for the current financial year, to meet anticipated extra expenditure in connection with civil disobedience and other similar movements was then put and agreed to

Adjournment.

The Council was then adjourned till 3 p.m., on Wednesday, the 13th August, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 13th August, 1930, at 3 p.m.

Present:

MR. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 119 nominated and elected members.

Starred Questions

(to which oral answers were given).

Sunderbans and settlements.

*30. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether any representation has been received from the Sunderbans Landholders' Association representing the proprietors and the settlement holders of lands in the Sunderbans regarding settlements under the Rules of 1830 and 1853?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what action has been taken for redressing the grievances complained of?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) The matter has been under the consideration of Government and orders will be issued shortly.

Dolai khal at Dacca.

*31. **Babu SATYENDRA KUMAR DAS:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what action, if any, has been taken for the canalisation of the Dolai khal at Dacca?

MEMBER in charge of IRRICATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): No action has yet been taken. The scheme is about to be administratively approved.

Hunger-strike of the political prisoners in the Mymensingh Jail.

*32. **Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) the circumstances which led to the hunger-strike of the political prisoners in the Mymensiugh Jail on or about the 9th July, 1930;

(*ii*) whether it is a fact that Mr. Fox, the Superintendent of Mymensingh Jail, assaulted a political under-trial prisoner named Jitendra Chandra Roy on the 9th July, 1930; and

(*iii*) whether it is a fact that the political under-trial and convicted prisoners were and are being supplied with bad diet in contravention of the Jail rules and regulations?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) On the morning of the 9th July the Superintendent of the Jail found an under-trial prisoner crying and complaining that he had been assaulted. The Superintendent directed him to return to his ward and promised to investigate the case during his rounds. On arrival at the prisoner's ward the Superintendent called for the complainant and asked him to point out his assailant, whereupon the complainant indicated a fellow-prisoner. While the Superintendent was listening to the complainant's statement one of the other prisoners confined in the ward stepped forward, passed the Superintendent, and called the complainant a liar and abused him. The Superintendent thereupon restrained his prisoner taking him by the arm and telling him to return to his place as he had not been called upon to give evidence or to say anything. The Superintendent then ordered the complaining prisoner, he alleged assailant and the prisoner who had stepped forward to nterfere, to be taken to the jail office where the Superintendent warned he last prisoner for swearing and calling another prisoner a liar and ent him back to his ward. The last prisouer made no complaint to he Superintendent of having been assaulted. The Superintendent hen disposed of the original complaint of assault between two prisoners. t was later reported to the Superintendent that certain prisoners had refused to eat their food as one of them had been touched by the Superintendent. When the Superintendent made his rounds on the following morning no prisoner made any complaint to him of having

been assaulted by him. On the same day 24 prisoners who had refused their food took their midday meal and all the other prisoners took their evening meal.

(*ii*) It is not a fact.

(*iii*) No.

Assessment of Sunderbans estates.

***33. Babu SARAT CHANDRA MITTRA:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state what action has been or is being taken to redress the grievances embodied in the memorials submitted by the British Indian Association, Bengal Landholders' Association, Bakarganj Landholders' Association and Sunderbans Landholders' Association regarding assessment of estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: The matter has been under the consideration of Government and orders will be issued shortly.

***34. Babu SARAT CHANDRA MITTRA:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state what action he has taken or intends to take on the matter of the deputation from the British Indian Association which waited on him on the 15th February last?

The Hon'ble Sir PROVASH CHUNDER MITTER: The matter has been under the consideration of Government and orders will be issued shortly.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state what was the subject matter of the deputation of the British Indian Association?

The Hon'ble Sir PROVASH CHUNDER MITTER: The subject matter was the assessment of the Sunderbans estates.

Drainage of certain areas in Hooghly Sadar and Serampore.

***35. MUNINDRA DEB RAI MAHASAI:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that a deputation waited on his predecessor in office on 18th March, 1929, which

urged the adoption of a scheme for saving an extensive area of land from inundation caused by the overflow of the rivers Ghea, Kunti, Kedarmati, Jola, Julka and the Saraswati in the Sadar and the Serampore subdivisions in the district of Hooghly, to which the Chief Engineer, Mr. Addams-Williams, on behalf of the Hon'ble Member, gave a sympathetic reply and promised to visit the affected area?

(*b*) Will the Hon'ble Member be pleased to state what action, if any, has been taken in the matter?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: (*a*) Yes.

(*b*) The dam across the Passar khal at Baldip, which prevented the Kunti water discharging freely into the Saraswati, has been cut and the dense jungle in the Passar khal cleared. Gauge readings have been taken and these indicate that the Kunti and Saraswati are the correct outfalls for the drainage. Estimates for their improvement will be prepared, if it is found that the removal of the Passar khal dam is insufficient to clear the drainage.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state what other steps have been taken to prevent inundation by rivers other than Kunti?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: I have nothing to add to my answer.

Review of the recommendations of the Simon Commission.

***38. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Government of Bengal in their review of the Simon Commission recommendations supported or opposed the following remarks of the Indian Statutory Commission—

(*i*) "in Bengal.....where the 'permanent settlement' exists, there is no possibility of raising land revenue without *breaking* this very long-standing agreement" (page 226, Part VIII, Chapter 3, volume 2, Recommendations); and

(*ii*) "in India the principal tax levied in rural areas for local purposes is a surcharge or a cess on the land revenue or rent. The rate in many of the provinces is subject to a maximum of one anna in the rupee, and has remained unchanged for over 50 years. There was probably some justification for this imposition of a limit in the last century, since the land revenue was then a very high proportion of the net produce, and other cesses were levied on

land for provincial and imperial purposes. All the other cesses were abolished in the beginning of this century, and the land revenue policy since the war has tended to restrict increases of assessments at the periodical resettlements. There is no longer any excuse for the retention of this limit, especially in the permanently-settled provinces" (page 244, Part VIII, Chapter 4, volume 2, Recommendations)?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) and (*ii*) The review of the recommendations of the Simon Commission by the Government of Bengal is at present confidential.

Names of the proprietors of printing presses from whom security deposit has been demanded under the Ordinance.

***37. Mr. SHANTI SHEKHARESWAR ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing the names of the proprietors of printing presses and newspapers from whom security deposit has been demanded under the new Ordinance without giving any previous warning?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): A statement is laid on the table.

Statement referred to in the reply to starred question No. 37 showing the names of keepers of presses and printers and publishers of newspapers from whom security was demanded under the Indian Press Ordinance without warning.

(*i*)—PRESSES.

Names of keepers.	Names of presses.	Remarks.
1. Babu Brojendra Nath Gupta ..	Sadhana Press.	
2. Babu Hemanta Kumar Dass .	Indian Daily News Press.	
3. Babu Sailendra Nath Guha Roy	Sree Saraswati Press.	
4. Babu Mukunda Lal Burman ..	Burman Printing Press.	
5. Babu Brijlal Arora ..	Punjab Fine Art Press .	Subsequently reconsidered and exempted from deposit of security.
6. Babu Ram Lagan Singh ..	Rajput Press.	
7. Pran Kumar Majumdar ..	Jugabarta Press.	

Names of keepers.	Names of presses.	Remarks.
8. Babu Narendra Nath Chattarjee	Popular Printing Works.	
9. Babu Mrinal Kanti Ghosh ..	Sree Gouranga Press.	
10. Babu Ambica Prosad Bajpai ..	Indian National Press.	
11. Babu Mulchand Agarwala ..	Viswamitra Press.	
12. Babu Ramananda Tewary ..	Jagadish Press.	
13. Babu Lokendra Mohan Sen Babu Kshitindra Mohan Sen.	Sen Press.	
14. Babu Jyotish Chandra Sen Gupta	Bichitra Press.	
15. Babu Bidhubhusan Samadar ..	Alipur Duar Press ..	Subsequently exempted from deposit of security.
16. Babu Robindra Nath Das ..	Sarala Printing Works. ..	Ditto.
17. Babu Indu Bhusan Sarkar ..	Jugamantra Press.	
18. Babu Krishnadhone Chatterjee	Prokash Press.	

(*ii*)—NEWSPAPERS.

Names of publishers and printers.	Names of newspapers.	Remarks.
1. Babu Umadatta Sharma ..	Vikram.	
2. Babu Nirode Baran Das ..	Daily Hitavadi.	

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether it is not the general practice to give a warning before a deposit is demanded.

The Hon'ble Mr. W. D. R. PRENTICE: Yes, now it is.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether any warning was given in these cases?

The Hon'ble Mr. W. D. R. PRENTICE: Government did not consider it necessary.

Public Health organisation.

*38. **Mr. S. M. BOSE:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for each of the years 1927-28 to 1929-30—

(*i*) the amounts sanctioned for Public Health organisation in districts; and

(*ii*) the amounts actually spent thereon?

SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. C. W. Gurner): (*i*) It is presumed that the reference in paragraph (*i*) is to budget provision. The figures are as follows:—

BUDGET PROVISION.

		Rs.
1927-28	...	3,00,000
1928-29	...	6,00,000
1929-30	...	9,00,000

(*ii*) The grants paid to district boards were as follows:—

		Rs.
1927-28	...	2,15,602
1928-29	...	4,24,050
1929-30	...	6,02,376

Classification of prisoners.

***38. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware of the fact that Mr. Subhas Chandra Bose and many other political prisoners of the Alipore Central Jail have taken to hunger-strike?

(*b*) If so, will the Hon'ble Member be pleased to state the reason therefor?

(*c*) What measures have the Government adopted to meet the situation?

(*d*) What is the scale of diet of "C" class prisoners?

(*e*) Will the Hon'ble Member be pleased to state whether the trying Magistrate or the Government is the final authority to classify prisoners in different classes according to their social status and position?

(*f*) Are the Government considering the desirability of placing all the literate political prisoners into the same class?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) It was reported that they did so and subsequently reported that they were all taking their food.

(*b*) The ostensible reason given was to protest against the system of classification of prisoners recently introduced by the Government of India.

(*c*) The cases of individual prisoners who submit representations to Government regarding their own classification are dealt with on their merits.

(*d*) and (*e*) The member is referred to volume I of the rules for the superintendence and management of jails and subsidiary jails in Bengal, rules 625A, 905 and 1052.

(*f*) No. The general principles on which differentiation between different classes of prisoners is to be made have been recently laid down by the Government of India after consideration of official and non-official opinion in the provinces with a view to obtaining uniformity in the different provinces.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Member aware that the Code which he referred to in his reply is not available to the public?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe it can be purchased. I have, after certain suggestions were made to me, issued instructions for publication in the Gazette.

Chandana river.

***40. Maulvi TAMIZUDDIN KHAN:** (*a*) With reference to the reply given to starred question No. 55 asked at the meeting of the Bengal Legislative Council held on the 20th February, 1930, will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether any decision has been arrived at or is likely to be arrived at in the near future with regard to the scheme for the improvement of the river Chandana?

(*b*) Is the alternative scheme referred to therein still under investigation?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: (*a*) No decision has yet been arrived at.

(*b*) The alternative scheme is still under investigation.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state whether a decision will be arrived at in the near future?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: The question of improving the Chandana river is a complicated and difficult one and therefore it must necessarily take time before a decision is arrived at.

Maulvi ABUL KASEM: When is the decision on the alternative scheme likely to be finished?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I am afraid I cannot precisely indicate the date.

Wearing of khaddar and Gandhi cap.

*41. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the wearing of khaddar and Gandhi cap has been declared illegal by the Government in any part of Bengal?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state whether it is a fact that the police in Contai have been assaulting innocent people indiscriminately with lathis, canes, fists and kicks, who are found in khaddar or Gandhi cap and who have had no connection with the civil disobedience movement?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state under what authority the same is being done?

(*d*) If the answer to (*b*) is in the negative, are the Government considering the desirability of instituting an independent inquiry into the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) No such complaint has been received.

(*c*) Does not arise.

(*d*) No.

Mr. P. BANERJI: If the wearing of khaddar and Gandhi cap has not been declared illegal, will the Hon'ble Member be pleased to state why the police in Contai has issued notices to bus owners not to allow persons to board the buses who are wearing khaddar and Gandhi cap?

The Hon'ble Mr. W. D. R. PRENTICE: I refer the member to the answer to question (*b*).

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether Government approves of the police assaulting persons wearing Gandhi caps?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware that assaults have occurred.

Mr. SYAMAPROSAD MOOKERJEE: My question was: Does the Government approve of the police assaulting such persons?

The Hon'ble Mr. W. D. A. PRENTICE: Government, not being aware of any such cases of assault, have had no occasion to form an opinion.

Mr. P. BANERJI: Is the Hon'ble Member prepared to accompany me to Contai to enquire into the matter?

Mr. PRESIDENT: That is no question.

Construction of an escape at Harisinghpore on the Selye and a sluice at Gopiganj.

*42. **Mr. A. F. M. ABDUR-RAHMAN:** With reference to the answer given to unstarred question No. 53 (*vi*) at the meeting of the Bengal Legislative Council held on the 8th August, 1929, will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*a*) whether the construction of—

(*i*) an escape at Harisinghpore on the Selye, and

(*ii*) a sluice at Gopiganj

has been undertaken?

(*b*) If not—

(*i*) what is the reason for the delay, and

(*ii*) when is the work likely to be commenced?

(*c*) Are the Government aware that non-stoppage of flood has stood in the way of the realisation of rent by patnidars from raiyats?

(*d*) If the Government have no information, are the Government considering the desirability of appointing a committee to hold a local inquiry into the state of cultivable lands?

(*e*) Is it a fact that there was a heavy flood in the Ghatal subdivision in the district of Midnapore last year?

(*f*) If so, whether the Government have taken any remedial measures to prevent flood this year?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) and (*ii*) No.

(b) (i) The delay is due to the project having to be modified to include other areas and it has been difficult to find the staff to complete the scheme.

(ii) Not before the project has been sanctioned and funds allotted.

(c) No.

(d) No.

(e) Yes.

(f) The breaches have been filled.

Strength of the police force to keep the peace in the Kishoreganj subdivision.

43. Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(i) the strength of the police force specially employed in maintaining peace and order in the affected areas of the Kishoreganj subdivision, district Mymensingh; and

(ii) the number of armed Gurkhas of the Eastern Bengal Frontier Rifles sent to Mymensingh in this connection?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): The information is furnished below:—

(i) 1 inspector, 14 sub-inspectors, 4 assistant sub-inspectors, 7 head constables and 116 constables, besides 2 officers of the rank of Superintendent of Police and the Range Deputy Inspector-General of Police.

(ii) 1 British officer, 3 Indian officers and 75 men of the Eastern Frontier Rifles.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether the force mentioned in answer (i) includes the police force permanently stationed there?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I must ask for notice.

Faridpur-Bhanga-Madaripur Railway project.

*44. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the scheme for extending the Faridpur branch of the Eastern Bengal Railway up to Madaripur via Bhanga by constructing a metre-gauge line has been abandoned?

SECRETARY to GOVERNMENT, COMMERCE DEPARTMENT (Mr. E. N. Blandy): This Government has received no further information on the subject since the reply given to starred question No. 51 at the meeting of the Council on the 11th February last.

Salt affairs in certain subdivisions of the 24-Parganas and Midnapore.

*45. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state what orders, or instructions, if any, were issued to the local authorities and the police by the Government as to the method of dealing with the villagers in the Diamond Harbour subdivision of the 24-Parganas, Contai, Tamluk and Ghatal subdivisions of Midnapore in the matter of the "salt affair?"

(*b*) Is the Hon'ble Member aware—

(*i*) that the local Magistrate was at the head of the police and excise employees;

(*ii*) that the latter committed wholesale destructions of food-grains and other movable goods in almost every house of the different villages in the subdivision of Contai?

(*c*) What action do the Government propose to take in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The orders were to study carefully and follow the provisions of the India Salt Act (XII of 1882), the Bengal Act VII of 1864, and the rules in the Manual, to confiscate illicitly manufactured salt, etc., and if compelled to proceed against the persons manufacturing it to proceed against the ring-leaders only and not against their dupes.

(*b*) (*i*) Yes; he is the head of the district administration.

(*ii*) No.

(*c*) None.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state if no such order has been given by Government why it is that local police are arresting people wholesale and using violence?

The Hon'ble Mr. W. D. R. PRENTICE: These instructions were given at the beginning of the civil disobedience movement. With the development of the movement the procedure had to be changed and modified.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state why the Magistrate, who is the head of the district, accompanied the party which was committing wanton destruction of house properties of the innocent people of the Contai subdivision?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot answer a general question like that. I am not aware that the Magistrate was at the head of the party.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to enquire into the matter whether the Magistrate was at the head of the party?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will give me more details I shall consider the matter.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether his attention has been drawn to the report of the committee of enquiry headed by Mr. J. N. Basu, a member of this Council?

The Hon'ble Mr. W. D. R. PRENTICE: I have heard something about it in this Council. Otherwise I have not seen it.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether he has any knowledge of the report that was published as part of the proceedings of the Legislative Assembly in the course of the debate by Mr. K. C. Neogi.

(No answer).

Meeting at Chinsura maidan.

***46. MUNINDRA DEB RAI MAHASAI:** (*a*) Has the attention of the Hon'ble Member in charge of the Police Department been drawn to the indiscriminate assaults by the police on innocent passer-by at Chinsura after the police broke up a public meeting held at the Chinsura maidan in the latter part of May last?

(*b*) Is it a fact that after declaring the meeting unlawful the police began to deal lathi blows on the audience without giving them reasonable time to disperse or any warning whatsoever, as required by law?

(*c*) Is it a fact that the police pursued those who left the meeting just as it was declared unlawful and dealt lathi blows on them?

(*d*) Are the Government considering the desirability of holding an inquiry into the allegations against the police?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No meeting on the Chinsura maidan has been broken up by the police. A meeting at Barowaritolla was broken up after it had been declared unlawful by the Magistrate and had thrown bricks at the police and Magistrate. No passer-by has complained of assault.

(*b*) The meeting refused to obey the Magistrate's order to disperse and threw bricks. The police dispersed the crowd after due warning to which no attention was paid.

(*c*) The police pursued those who continued to throw bricks, and four persons were injured.

(*d*) No.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member be pleased to state the source of information?

The Hon'ble Mr. W. D. R. PRENTICE: The local officers.

MUNINDRA DEB RAI MAHASAI: Was any local officers present at the time?

The Hon'ble Mr. W. D. R. PRENTICE: I know a Deputy Magistrate was present.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member be pleased to state whether the Magistrate's report was based on the report of his subordinate officer against whom allegations have been made?

The Hon'ble Mr. W. D. R. PRENTICE: The report was based on the report submitted by the Deputy Magistrate who was placed on duty in connection with the meeting.

MUNINDRA DEB RAI MAHASAI: Was the Magistrate hit or any of the policemen?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot remember exactly.

Construction of the Kalukhali-Bhatiapara Railway.

*47. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the construction of the Kalukhali-Bhatiapara Railway which was nearing completion has been suddenly stopped? If so, why?

(*b*) When is the work of construction likely to be resumed?

Mr. E. N. BLANDY: (*a*) and (*b*) The question relates to a central subject and this Government are not in a position to reply to it.

Faridpur Railway station.

*48. **Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether any decision has been arrived at regarding the proposal for shifting the Faridpur Railway station to a new site or otherwise improving its condition?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the special difficulties, if any, that have occasioned the delay?

Mr. E. N. BLANDY: (*a*) and (*b*) The member is referred to the answer given to starred question No. 50 at the meeting of the Council on 11th February, 1930. Government have no information that the position has altered since last February.

Maulvi TAMIZUDDIN KHAN: Was any attempt made to collect the information asked for since the notice of this question was received?

Mr. E. N. BLANDY: I think, not.

Appointment of candidates to the Indian Civil Service.

*49. **Mr. MUKUNDA BEHARY MULLICK:** (*a*) Is the Hon'ble Member in charge of the Appointment Department aware that certain candidates were appointed to the Indian Civil Service by nomination of this Government in or about 1919?

(*b*) Is it a fact that a Selection Board was appointed by the Government for the purpose?

(*c*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the directions, if any, given by the Government to the Selection Board for these appointments;

(*ii*) the number of candidates selected by the said Board;

(*iii*) the number of candidates appointed by the Government; and

(*iv*) the educational qualifications of the appointed candidates?

(*d*) Is it a fact that some of the appointed candidates failed to comply with the requirements laid down by the Government, i.e., in passing the departmental examination within the fixed time?

(*e*) Is the Hon'ble Member in charge aware that the judicial works of some of these officers have been very adversely commented upon by the Hon'ble High Court in some cases?

(*f*) Is it a fact that there were candidates belonging to the backward classes (as enumerated in the Calcutta University Commission's Report, page 189, Part I) whose qualifications were not inferior to some of the candidates appointed by nomination?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state the reason why no appointment was made from amongst the backward classes?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) Yes.

(*c*) (*i*) The Selection Board was governed by rules framed by the Secretary of State and instructions issued by Government of India.

(*ii*) Fourteen.

(*iii*) Four.

(*iv*) One M.A., two B.As. and one B.Sc.

(*d*) No.

(*e*) No.

(*f*) Information is not available.

(*g*) Does not arise.

Unstarred Questions

(answers to which were laid on the table).

Santahar station platform.

47. Maulvi MOHAMMED BASIR UDDIN: (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the main platform at Santahar, Eastern Bengal Railway, is far below the standard level?

(*b*) Is it a fact that the passengers feel much inconvenience in getting up and coming down the trains?

(*c*) If so, are the Government considering the desirability of drawing the attention of the railway authorities in the matter?

The Hon'ble Mr. A. MARR: (*a*) to (*c*) This is a subject which may suitably be referred to the Railway Advisory Committee and Government have drawn their attention to the matter.

Bomb incident at Krishnagar.

48. Mr. NARENDRA KUMAR BASU: (*a*) Is the Hon'ble Member in charge of the Political Department aware that on the 25th June, 1930, three boys, two of them under 10 years of age, were injured by the explosion of a bomb in the town of Krishnagar, Nadia?

(*b*) Is it a fact that during the subsequent police investigation one of the boys said that the bomb had been made over to him by a policeman with certain instructions?

(*c*) What is the result of the investigation?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Government's information is that one boy was injured by the explosion of a bomb on June 23rd (not 25th).

(*b*) No, but a statement to this effect by one of the boys was made over to the District Magistrate by a pleader, by whom it had been recorded. This statement has since been retracted by the boy.

(*c*) The investigation is not yet finished.

Consumption of charas in Calcutta.

49. Rai Bahadur Dr. HARIDHAN DUTT: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to lay on the table a statement showing for the last five years—

(*i*) the total quantity of charas collected, procured, stored and vended out to shops in Bengal;

(*ii*) the net cost of the same;

(*iii*) the sources of supply of charas;

(*iv*) the method adopted for its storing and distribution; and

(*v*) the net income derived from the sale of charas both from duty and licence fees?

(*b*) What is the total sale of charas in Calcutta for the last five years?

(*c*) Is its sale equally distributed all over the city or restricted to particular localities?

(*d*) If the sale is distributed to particular localities, what are the localities and what is the cause of this unequal distribution?

(*e*) Will the Hon'ble Minister be pleased to state whether there is any medical hygienic or economic value attached to charas?

(*f*) Will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to abolish or reduce the number of shops for sale of charas?

(*g*) If so, when and to what extent?

MINISTER in charge of AGRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) (*i*)—

	Imports from the Punjab.		Issues to retail shops.	
	Mds.	Srs.	Mds.	Srs.
1924-25 ..	65	3	62	9
1925-26 ..	69	17	68	31
1926-27 ..	65	30	64	18
1927-28 ..	71	30	69	37
1928-29 ..	55	37	55	7
1929-30 ..	53	16	52	18

(*ii*) Net cost price of charas was Rs. 5-13 per seer in 1929-30.

(*iii*) Charas is imported by the wholesale dealers of Calcutta and Birbhum from bonded warehouses in the Punjab.

(*iv*) The procedure is as follows:—

The Collector of the importing district shall depute an Excise officer to take delivery of the charas from the railway station, and the said officer shall produce the charas before the Superintendent of Excise, or such other officer as the Collector may specify for examination, weighment and comparison with the pass received from the exporting district.

When the charas has been examined and the import duty on the whole quantity exported from the Punjab or actually received, whichever is greater, has been fully paid, it shall be made over to the importer for sale.

(*v*)—

Year.	Duty.	Licence fees.	Total.
	Rs.	Rs	Rs.
1924-25 ..	70,602	1,71,530	2,51,132
1925-26	84,380	1,81,627	2,66,007
1926-27	1,35,502	1,67,603	3,03,105
1927-28 ..	1,40,160	1,86,788	3,26,948
1928-29	1,57,624	1,47,758	3,05,382
1929-30	1,49,516	1,40,170	2,89,686

(*b*) Total sale of charas in Calcutta:—

	Mds.	Srs.
1924-25 .. .	40	2
1925-26	45	21
1926-27	40	32
1927-28	42	14
1928-29	30	24
1929-30	27	39

(*c*) The sale is restricted and confined to particular localities in the city where people habituated to the drug mostly live.

(*d*) The localities are (*1*) Burrabazar, (*2*) Kidderpore, (*3*) Garden Reach, (*4*) Howrah, (*5*) Cossipore-Chitpur. The unequal distribution is due to the fact that consumers of the drug who are mostly people from the United Provinces, Punjab, Rajputana, North-West Frontier Province, congregate in these areas on account of their vocation.

(*e*) This is a matter for expert opinion.

(*f*) The Government are now watching the effect of the increase of the rate of duty per seer from Rs. 30 in 1921-22 to Rs. 70 in 1928-29 on the consumption of charas.

(*g*) Does not arise.

Opium-smoking.

50. Rai Bahadur Dr. HARIDHAN DUTT: (*a*) Will the Hon'ble Minister in charge of Agriculture and Industries (Excise) Department be pleased to state whether opium-smoking dens are licensed?

(*b*) If not, what is the control exercised over them by the department?

(*c*) What is their number in Calcutta and in the districts?

(*d*) What amounts have been obtained as fees and duty for the last five years in Calcutta and outside?

(*e*) What is the average daily attendance of addicts in Calcutta?

(*f*) What is the total quantity of opium consumed in the smoking dens during the last five years?

(*g*) Is the Hon'ble Minister aware that in the course of the sitting of the Opium Committee appointed by Government in 1927 the members were informed that Government had already decided to take legal measures to check the practice of smoking opium?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has since been taken to give effect to the decision arrived at in 1927?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) Opium-smoking dens are not licensed in Bengal.

(*b*) If the rules regulating the private manufacture, possession and use of prepared opium are contravened, the offender, if detected, is prosecuted under the Opium Act and the rules thereunder.

(*c*) Accurate figures are not available. It has been estimated that there are about 150 chandu or *goolı* dens in Calcutta, 8 or 9 in the Barrackpore area, and 5 or 6 in the Serampore area.

(*d*) Does not arise.

(*e*) and (*f*) Accurate figures are not available. It has been estimated that the average daily attendance of addicts in Calcutta is between 2,000 and 2,500 and the quantity of opium consumed is between 6 and 7 seers. These figures are only approximate.

(*g*) Government have no information.

(*h*) An Opium-Smoking Bill has been drafted, but its introduction is being delayed pending further information regarding the procedure and results of registration elsewhere.

Rai Bahadur Dr. HARIDHAN DUTT: With reference to answer (*g*) how could the Commissioner of Excise, who was a Member of the Opium Committee, make such statement?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: I ask for notice.

Treatment of Tuberculous patients.

51. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any action has been taken for the establishment of a Hill Sanatorium for the treatment of Tuberculous patients of Bengal since the passing of the motion on the subject on the 27th March, 1930, during the last budget session of this Council?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken in the matter?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Kumar Shib Shekhareswar Ray): (*a*) The scheme remains for the present outside the bounds of practical finance.

(*b*) Does not arise.

Sanitary Inspectors.

52. Dr. AMULYA RATAN GHOSE: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that while sanctioning revision of pay of all establishments under Government directly or indirectly after the Great War on account of economic distress in the province the question of such revision affecting the Sanitary Inspectors of Bengal has not been considered?

(*b*) Will he be pleased to state the reasons why an exception has been made in the case of this class of officers?

(*c*) Are the Government considering the desirability of considering the question now in all its bearing?

(*d*) Is the Hon'ble Minister aware that many Sanitary Inspectors appointed in municipalities authorised to appoint in the second grade of the posts as per Government notification No. 104T.—San., dated the 16th October, 1915, have not been allowed to draw salary of the first grade?

(*e*) Is the Hon'ble Minister aware that these officers have long reached the maximum of the second grade on the score of the said Government notification?

(*f*) Is the Hon'ble Minister aware—

(*i*) that the maximum pay of the first class Sanitary Inspectors was fixed at the minimum of the second class Health Officer, viz., Rs. 150 a month;

(*ii*) that on representation the minimum pay of the second class Health Officer was raised from Rs. 150 to Rs. 200 a month; and

(*iii*) that the question of the maximum of the first class Sanitary Inspectors remained as it was?

(*g*) Are the Government considering the desirability of raising the maximum of the pay of the first class Sanitary Inspectors to the present pay of second class Health Officers and of promoting second class Sanitary Inspectors to first class ones as soon as they reached the maximum of the grade on approved service?

(*h*) Are the Government considering the desirability of issuing instructions to give effect to the proposed scheme?

(*i*) Is the Hon'ble Minister aware that during the incumbency of Major A. B. Fry, I.M.S., the then Sanitary Commissioner of Bengal about the year 1914, a scheme was formulated to provincialise the staff of Health Officers and the Sanitary Inspectors for employment, transfer, deputation, etc., in the different districts of Bengal?

(*j*) If the answer to (*i*) is in the affirmative, what is the decision on the scheme up to the present moment?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The pay of Sanitary Inspectors has not been revised since the war.

(*b*) As these officers are employed by local bodies they have not been included in schemes for the revision of pay of Government servants.

(*c*) The matter has not yet been considered.

(*d*) Promotion from the second to the first grade was not intended as the normal course for all lower grade officers.

(*e*) Yes.

(*f*) (*i*) Yes

(*ii*) This is not quite the case. Four municipalities have however been allowed to raise the minimum pay of their Health Officers from Rs. 150 to Rs. 200 provided that they bear the whole of the increased cost over the old scale.

(*iii*) Yes.

(*g*) This has not been considered.

(*h*) Does not arise.

(*i*) Proposals for the provincialisation of the Public Health services were considered in 1920, but no decision was reached.

(*j*) Does not arise.

Moslem officers in the Jail Department.

53. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to lay on the table a statement showing—

(*i*) the present number of employees of all grades under the Inspector-General of Prisons, Bengal, in the Jail Department; and

(*ii*) how many of them are Moslems?

(*b*) Is the Hon'ble Member aware that there is a general feeling among the Moslem community that justice is not being done to the Moslems in the Jail Department in regard to appointments?

(*c*) Are the Government considering the desirability of appointing more Moslem officers in this department?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) and (*ii*) A statement is laid on the table.

(*b*) No representation to justify my drawing such a conclusion has been addressed to Government.

(*c*) Orders have already been issued to assure the appointment of a proper number of Muhammadans and steps are taken to see that they are correctly followed when necessary.

Statement referred to in the answer to clause (a) (i) and (ii) of unstarred question No. 53.

Names of appointments of all grades in the Jail Department.	Total sanctioned strength.	Total number of Muhammadans holding appointment.
1. Jailors and Deputy Jailors ..	60	13
2. Head Clerks, Assistant Jailors and Clerks.	94 (66+28 temporary).	32 (22+10 temporary).
3. Head Warders and Warders .	1,559	193
4. Ministerial appointments in Jails, Press and Forms Department, and the Jail Depot.	96	21
5. Non-ministerial appointments in Jails and the Press and Forms Department.	61	34
6. Sub-Jail Clerks	38	6
7. Borstal School, Clerks, Teachers, Instructors and Petty Officers.	38	7
8. Ministerial appointments in Head Office.	35 (29+6 temporary).	7 (5+2 temporary).
Total ..	1,981	313

Kurigram Sub-Jail.

54. Kazi EMDADUL HOQUE: Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) the number of prisoners that can be normally accommodated in the Kurigram Sub-Jail;

(*ii*) the average daily number of prisoners confined in the said jail since 1st April to 5th July, 1930;

(*iii*) the number of petitions made by prisoners confined in the jail for bail during the period; and

(*iv*) the number of such petitions refused?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) 15 males and 2 females.

(*ii*) 54 prisoners.

(*iii*) 212 prisoners.

(*iv*) 124 prisoners.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state how 54 prisoners were accommodated in room or rooms which could only accommodate 17?

The Hon'ble Sir PROVASH CHUNDER MITTER: It was due to overcrowding.

Mr. SYAMAPROSAD MOOKERJEE: How were they accommodated?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the hon'ble member wants to know the exact situation of the accommodation I am afraid I must ask for notice.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state in what respect Government considers this better than the alleged Blackhole tragedy.

Mr. PRESIDENT: I am afraid I cannot allow that question.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state how arrangements are proposed to be made in future?

The Hon'ble Sir PROVASH CHUNDER MITTER: Four new jails are going to be opened, one has already been opened and three are to be opened shortly. If the number of law-breakers increases then Government propose to increase the number of jails.

Maulvi SYED MAJID BAKSH: Would it not have been possible for the Hon'ble Member to transfer some of these prisoners to other jails?

The Hon'ble Sir PROVASH CHUNDER MITTER? I am not personally aware of the details of the position, but I know that the Inspector-General of Prisons takes every possible step to relieve over-crowding.

Maulvi SYED MAJID BAKSH: This is the result of the step taken by him?

The Hon'ble Sir PROVASH CHUNDER MITTER: If 4,000 people suddenly make up their mind to over-crowd the jails such things must happen. Government, however, are taking every step to relieve over-crowding.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the allusion of 4,000 persons (which has no reference to the question) can be an explanation of the over-crowding of 54?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing to add to my answer.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether the Government is responsible for the life and health of prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: Government consider that they are under ordinary circumstances responsible for the health of the prisoners and therefore Government are anxiously trying to provide extra accommodation. Government are trying their best to overcome conditions due to circumstances for which they are not responsible.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether Government consider that prisoners should not be kept where their life and health are in danger?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add to my answer.

Waiting rooms in the mufassal courts.

55. Babu SUK LAL NAG: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that there are no waiting rooms for the witnesses and litigant public in the mufassal courts?

(*b*) Will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to erect one such in each mufassal court?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. PRENTICE): (*a*) There are already waiting sheds attached to several courts. There are, however, some courts in connection with which the arrangements for the accommodation of witnesses and litigants are defective.

(*b*) When proposals are received with reference to particular courts they are taken up in order of urgency as funds permit.

Eastern Frontier Rifles.

56. Mr. J. E. ORDISH: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government has authorised, or intend to authorise, the recruitment of an additional battalion of the Eastern Frontier Rifles?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state when the recruitment is likely to commence?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Proposals for increasing the strength of the Eastern Frontier Rifles are under the consideration of Government, whose decision has been postponed pending the receipt of certain details which have been called for from the police authorities. It is not possible at this stage to say when a decision will be arrived at.

(*b*) Does not arise.

Barrackpore-Naihati-Kanchrapara Road.

57. Mr. E. C. ORMOND: (*a*) Will the Hon'ble Minister in charge of the Local-Self-Government Department be pleased to state why the Barrackpore-Naihati-Kanchrapara Road was not included in the Programme of Road Work for a period of five years recommended by the Bengal Provincial Road Board in March, 1930?

(*b*) Is the Hon'ble Minister aware—

(*i*) that this road carries more traffic per mile than any other road in Bengal outside Calcutta;

(*ii*) that this road is the only road connection with Calcutta for very large masses of population;

(*iii*) that it is the only through route and feeder for a very large area; and

(*iv*) that a considerable amount of revenue to the Central Road Fund is obtained from petrol used on this road?

(*c*) Are the Government considering the desirability of putting this road into thorough repair?

(*d*) Is the Hon'ble Minister aware—

(*i*) that the road is at present impassable for motor traffic at any reasonable speed and is actually dangerous; and

(*ii*) that there is a feeling of discontent amongst the inhabitants of the district about the disrepair of this road?

(*e*) How many different local bodies (district boards and municipalities) are responsible for the upkeep of this road?

(*f*) Is the Public Works Department responsible for any portion of it?

(*g*) Is it a fact that repairs have been held up through disagreement between these local bodies as to their relative liabilities in respect of the repair of the road?

(*h*) If the answer to (*g*) is in the affirmative, are the Government considering the desirability of holding a meeting of representatives of the various local bodies concerned and of arranging what yearly contributions will be granted by such bodies?

(*i*) Are the Government also considering the desirability of taking steps for an allocation for this road of funds in the hands of the Provincial Road Fund from the Central Road Fund?

(*j*) Is it the intention of Government to take over the road from the local bodies and to administer the expenditure of the pooled funds available from all sources?

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: (*a*) The Road Board has not recorded reasons for not including any particular road in its recommendations.

(*b*) (*i*) Statistics are not available.

(*ii*) Yes.

(*iii*) This is a pretty long road and passes through important places.

(*iv*) Statistics are not available.

(*c*) Yes, by the local bodies concerned.

(*d*) (*i*) The road is in an unsatisfactory condition.

(*ii*) Yes.

(*e*) The district board of the 24-Parganas and seven municipalities, each for various lengths.

(*f*) No.

(*g*) Yes.

(*h*) A conference was held recently by the Commissioner, Presidency Division.

(*i*) The Local Government have no authority to allocate funds from the Central Road Fund to projects other than those approved by the Government of India.

(*j*) The whole question is being inquired into.

Muhammadan Judicial officers in the Civil Courts, 24-Parganas.

58. Maulvi MUHAMMAD SAADATULLAH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many permanent Muhammadan Judicial officers are posted now in the Civil Courts of the district of the 24-Parganas?

(*b*) If there are no such Muhammadan officers, will the Hon'ble Member be pleased to give reasons therefor?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) There are two Muhammadan Judicial officers in the district of the 24-Parganas, viz., (*1*) Mr. K. G. Morshed, I.C.S., Additional District and Sessions Judge, and (*2*) Maulvi Saiyidur Rahman, officiating Subordinate Judge.

(*b*) Does not arise.

Chandana river.

59. Rai Sahib AKSHOY KUMAR SEN: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the scheme for dredging the Chandana river in the district of Faridpur has been pending with the Government for some years?

(*b*) What is its present condition?

(*c*) Are the Government considering the desirability of taking early steps for its completion?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) The scheme is still under investigation.

(*c*) Does not arise.

Rai Sahib AKSHOY KUMAR SEN: Will the Hon'ble Member be pleased to state whether any alternative scheme has been prepared?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The answer is in the negative.

New Alipore bridge.

60. Mr. W. H. THOMPSON: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) whether the Irrigation Department undertook to put up a temporary bridge over Tollys Nala to take the Corporation water main pending the erection of the new Alipore bridge;

(*ii*) whether the screw piles were driven in such a manner that it became evident that the bridge would be unable to carry the water-pipe;

(*iii*) whether it was ultimately decided that the structure which had been erected should be demolished;

(*iv*) whether the Government has requested the Improvement Trust to erect the temporary bridge and the latter has undertaken to do so;

(*v*) whether the Improvement Trust's estimate includes a sum on account of the demolition of part of the structure erected?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, will the Hon'ble Member be pleased to state on whom will the cost of such demolition fall?

(*c*) Will the Hon'ble Member be pleased to state whether on account of the piles having been put in in short sections and the top of a section having been below water at high tide or for any other reason which may please be specified, any boat or boats using the canal has been sunk or damaged and whether notice of any claim against the Government on account of loss or damage in such a connection has been received?

(*d*) How many months elapsed between the date on which the work was placed in the hands of the Irrigation Department contractor and the date on which it was decided to request the Improvement Trust to put up the bridge?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) The Irrigation Department agreed at the request of the Calcutta Corporation to move the foot bridge (which had nearly been completed at some distance from the Alipore bridge) close to the bridge to carry the existing water main.

(*ii*) No. The design was modified in accordance with the suggestions of the Calcutta Corporation Engineer, before construction began at the new site.

(*iii*) Yes, in accordance with the suggestions of the Chief Engineer, Improvement Trust.

(*iv*) Yes.

(*c*) Yes.

(*b*) The matter is under discussion with the Improvement Trust.

(*c*) A boat loaded with paddy struck against one of the piles when out of control but no serious damage was done. No notice of any claim has been received by Government.

(*d*) About 11 months.

Jayanagar-Mazilpur Railway station.

61. Rai Bahadur Dr. HARIDHAN DUTT: (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the passengers of the Jayanagar-Mazilpur station (Eastern Bengal Railway) coming from the side of Jayanagar have to cross the railway lines to reach the platform?

(*b*) Are the Government considering the desirability of asking the Railway administration to construct an overbridge so that the dangers of crossing the railway lines may be avoided?

The Hon'ble Mr. A. MARR: (*a*) and (*b*) Only three trains in a day cross at the station and as they do not enter at high speed Government do not consider it necessary to ask the Railway authorities to construct an overbridge.

Number of persons convicted of offences connected with the civil disobedience movement.

62. Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the number of persons arrested and detained in Bengal either under the Ordinance or for committing political offences under the general law since the starting of the civil disobedience movement;

(*ii*) the number of such prisoners who are Hindus and Muhammadans, male and female;

(*iii*) the names of such prisoners and the classes under which they are being treated?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) The number of persons convicted of offences connected with the civil disobedience movement up to the end of July is 4,303.

(*ii*) and (*iii*) The information is not available.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to supply the information asked for in questions (*ii*) and (*iii*) at his convenience?

The Hon'ble Mr. W. D. R. PRENTICE: The District Officers are very busy in carrying out their ordinary duties at present and Government do not see fit to add to them by asking them to compile such statistics.

Mr. SYAMAPROSAD MOOKERJEE: Say, in the course of a year?

No answer.

Staircase leading to the Additional District Judge's Court at Howrah.

63. Babu HARIBANSA ROY: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of the unsatisfactory condition of the staircase leading to the Additional District Judge's Court at Howrah?

(*b*) Is it a fact that the said staircase is too steep for use by women and aged persons?

(*c*) If so, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of replacing the staircase at an early date?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) and (*b*) The District Judge reported about the unsatisfactory condition of the staircase and requested that it be replaced or repaired. The staircase was repaired in 1929. No complaint has been received since then.

(*c*) No. In view of the financial difficulties no new scheme can be taken up at present.

Number of persons who received injuries in Calcutta during the last 4 months.

64. Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member in charge of the Police Department be pleased to state how many persons have been treated in the Calcutta hospitals for injuries received at the hands of the police during April, May, June and July, 1930, their ages, and the nature of injuries received by each?

The Hon'ble Mr. W. D. R. PRENTICE: One hundred and sixty-two admission certificates were received at police-stations from hospitals, but the alleged causes of the injuries have not been verified. Government are not therefore prepared to publish the details of each case.

River Narada in Nator.

65. Maulvi MOHAMMED BASIR UDDIN: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether any decision has been arrived at by the Government with regard to the scheme for the re-excavation of the river Narada in the subdivision of Nator in the district of Rajshahi?

(*b*) If so, what is the decision?

(*c*) How long do the Government think they will take to give effect to the scheme?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) The decision is not to re-excavate because, if cleared, the river would silt again rapidly due to the absence of sufficient fall in it.

(*c*) Does not arise.

Propaganda to counteract civil disobedience movement.

68. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the Government of India addressed the Bengal Government from time to time in regard to the need of propaganda to counteract the political and economic fallacies involved in the civil disobedience movement and had made suggestions in regard to the general lines of such propaganda?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government contemplate taking any action in the matter of such propaganda?

(*c*) Will the Hon'ble Member be pleased to state what are the specific lines of actions which the Government propose to take?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Government cannot divulge letters received from the Government of India without their consent.

(*b*) and (*c*) The action taken has been stated in the memorandum, No. 11550P., dated the 31st July, 1930, explaining the supplementary demand for a grant on account of the Press Officer, which has been circulated to all members of the Legislative Council.

Alipore bridge.

67. Babu HARIBANSA ROY: (*a*) Has the attention of the Hon'ble Member in charge of the Irrigation Department been drawn to the deplorable condition of the Alipore bridge?

(*b*) Is it a fact that the bridge has been closed to traffic for several years?

(*c*) Will the Hon'ble Member be pleased to state when the repairs will be commenced and when the bridge is likely to be opened to the public?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) The bridge partially collapsed in August, 1928, since when it has been closed.

(*c*) The construction of a new bridge will be commenced in November next and the work is expected to be completed about the beginning of 1932.

GOVERNMENT BUSINESS.

Demands for grants.

32.—Medical.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: On the *recommendation of His Excellency the Governor* I beg to move that a token sum of Re. 1 be granted for expenditure of about Rs. 32,000 under the minor head "Medical College and schools" on account of the opening of the Chittagong Medical School with effect from the 1st July 1930.

Sir, during the last budget discussion the House will perhaps remember that hope was expressed that it might be possible to open the Chittagong Medical School during the course of the year. The House will be pleased to know from the nature of the demand that the hope has been realised at last and the Hon'ble Mr. Khwaja Nazimuddin opened the school in July last and it is now working in full swing. As, however, we were not quite sure about it at the beginning of the year no provision was made for it in the current year's budget. The cost for the year both recurring and non-recurring comes up to about Rs. 32,000. This we hope to meet from the savings in other heads of our medical budget, but this being a new item of expenditure it requires special sanction of the House and this can be accorded by granting a token demand of Re. 1.

The motion was put and agreed to.

41.—Civil Works.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: On the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 be granted for expenditure of Rs. 1,91,000 under the head "41.—Civil Works (Provincial) in 1930-31" on making additions and extensions to jails in Bengal.

The motion was put and agreed to.

3-30 p.m.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 4,75,000 be granted for expenditure under the minor head "Communications (Road Fund Works)" on those road works which have been selected by the Bengal Road Board and approved for this purpose by the Government of India.

This demand has been explained in a memorandum already circulated. In moving the demand, I should like to observe with reference to the explanatory memorandum already circulated, that sanction was received from the Government of India only yesterday to the inclusion in the programme for expenditure of the Mainamati-Barkanta Road selected on the advice of the Provincial Road Board, and I would ask for the total demand of Rs. 4,75,000 to be taken as including expenditure also on this road, the allotment for which in the five-year programme is Rs. 2,50,000.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I take this opportunity to record the protest of this House against the way in which the roads have been selected for construction by the Bengal Road Board. We have nothing to say how the Road Board arrived at their decision, but it seems to me that there is widespread dissatisfaction of the way in which the roads have been selected. It is a known fact that roads of importance, roads of necessity, roads that require early development, have been left out so that other roads, which are not important from the provincial point of view, might be developed first. The sole criterion which should have been the determining factor in the selection of roads is provincial importance. But instead of that it is admitted that roads of parochial importance, roads of local importance, which might have been developed later, have been taken up first. At the time when this taxation was instituted, it was said that this fund will be supplementing the resources of local bodies with a view to improving their communications. Unfortunately, that has not been done. I do not know to what extent the Government of Bengal—I mean the Chief Engineer of the P. W. D.—is responsible for recommending the selection of these roads. I should, however, say that if the number of questions as well as the supplementary questions are an indication of the feelings of the House, I submit that this House has really protested against the manner in which the roads have been selected. I do not want to stand in the way of Government. I know the Hon'ble Minister in charge is merely a gramophone of the department concerned, but I want that in the future steps should be taken to take up roads of really provincial importance. The local bodies of Bengal have a serious grievance in this matter. Sir, I have nothing further to say except that in connection with this motion I wanted to record the protest of this House against the way in which roads have been selected.

Babu KHETTER MOHAN RAY: Mr. President, Sir, in connection with this motion, I beg to point out that the Bengal Road Board recommended an expenditure of Rs. 2½ lakhs for metalling the Mainamati-Barkanta Road, which is a part of the Chittagong Trunk Road, running from Daudkhandi in the district of Tippera to Chittagong under the control and management of the Public Works Department. But, to my

disappointment, I find from the list of projects that this work has been omitted. I should like to impress upon Government the fact that this is an important road in the Chittagong Division, and that the motor traffic along this road is heavier than on any other road in this division.

Mr. C. W. GURNER: On a point of personal explanation, Sir. The road to which the speaker is referring is a road which the Hon'ble Minister has already included in his programme.

Babu KHETTER MOHAN RAY: Sir, I am only pointing out the omission of the Mainamati-Barkanta Road from the metalling list. I do not know why that road has been omitted from the present year's programme. I beg to draw the attention of Government to this sad omission, and I hope that this road will be included in the next year's programme. I need not dilate on the importance of this road, which must be known to the Hon'ble Minister in charge of the Public Works Department. I need hardly add that this road ought to be repaired at the earliest possible moment.

Mr. C. W. GURNER: Sir, I have been asked by the Hon'ble Minister in charge of the Public Works Department to say just a few words explaining the nature of the programme. I should like to meet the attack which has been made from the opposite side of the House about the selection of roads. Now, when I was in Simla at the last Road Board Conference, I was conscious of a difficulty, compared with my colleagues from other provinces, in that in Bengal we have not those continental roads for which grants from the Central Road Fund are intended. We have a province cut by a number of important waterways, and our road problem must fall to a certain extent into watertight compartments. Our roads, with the exception of the Grand Trunk Road, generally lead up to important railway stations and act as feeder roads. Now the programme which has been put forward on the recommendation of the Road Board, and has been practically accepted by the Government of India, as a matter of fact distributes the available funds in a simple and equable manner to the different parts of the province. The result of the recommendations is that about Rs. 7 to 8 lakhs are allotted to each division in the 5-year programme, and I think that the member who protested against the selection of roads, if he looked into it more carefully, would find that they are for the greater part those which would benefit the District Boards. A very notable case is that of the Dacca-Narayanganj Road, which is an important District Board road. Sir, I need not go further into the details of the programme.

The motion that a sum of Rs. 4,75,000 be granted for expenditure under the minor head "Communications (Road Fund Works)" on

those road works which have been selected by the Bengal Road Board and approved for this purpose by the Government of India was then put and agreed to.

Report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1929.

The Hon'ble Kumar SHIB SHEKHARESWAR RAY: Sir, I beg to present the report of the Select Committee on the Calcutta Municipal (Amendment) Bill of 1929, moved by Maulvi Shamsuddin Ahmed, providing for the separation of the Garden Reach area from the Calcutta Municipality. As the hon'ble member in charge of the Bill has resigned his membership of the Council, the Bill is dead for all practical purposes. Government, however, in pursuance of their promise to the Council, have appointed a representative committee to inquire into the whole question and make recommendations for the redress of the grievances of the ratepayers of the Garden Reach area, and they are now awaiting the report of that Committee before they decide to take any action in the matter.

GOVERNMENT BILLS.

The Bengal State Aid to Industries Bill, 1930.

The Hon'ble Khan Bahadur, K. G. M. FAROQUI: Sir, I beg leave to introduce a Bill to provide for the giving of State aid to industries in Bengal.

(The Secretary then read the short title of the Bill).

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Sir, I beg to move that the Bengal State Aid to Industries Bill, 1930, be referred to a Select Committee consisting of Mr. W. H. Thompson, Mr. H. R. Norton, Maharaja Srish Chandra Nandy, of Kasimbazar, Rai Bahadur Badridas Goenka, C.I.E., Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Mr. A. K. Fazl-ul Huq, Khan Bahadur Maulvi Alimuzzaman Chaudhuri, Khan Bahadur Maulvi Azizul Haque, Mr. G. P. Hogg and myself, with instructions to submit their report in time for consideration at the next session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The scope of the Bill is clearly set forth in the Statement of Objects and Reasons. Though in the present Bill most of the clauses of the Bill of 1928, which was introduced by my predecessor Nawab Musharruff Hossain, Khan Bahadur, have been retained, revision and additions have been made which have improved the Bill substantially. As for instance representation has been given to the Legislative Council on the proposed Board of Industries, and an additional clause (clause 20) has been inserted providing for the delegation to the Board of the power of the Local Government to give State aid.

I need not dilate further upon the scope and objects of the Bill. But I would now commend the motion to the consideration of the House and I hope it will be accepted.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move, by way of amendment, that the Bill be circulated for eliciting public opinion by the 15th November, 1930.

MUNINDRA DEB RAI MAHASAI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon before 30th November, 1930.

Mr. R. B. LAIRD to move that for the name of "Mr. W. H. Thompson" the name of "Mr. C. G. Cooper" be substituted.

Mr. SARAT CHANDRA BAL: Sir, I beg to move that after the name of "Khan Bahadur Maulvi Azizul Haque," the following names be added, namely:—

Mr. Mukunda Behary Mullick,

Rai Sahib Rebati Mohan Sarker,

Mr. Sarat Chandra Bal.

Maulvi ABDUL HAKIM: Sir, I beg to move that after the name of "Khan Bahadur Maulvi Azizul Haque," the following names be added, namely:—

Maulvi Abdul Hakim,

Maulvi Abdul Hamid Shah.

The following motion was called but not moved:—

Babu SATYENDRA KUMAR DAS to move that after the name of "Khan Bahadur Maulvi Azizul Haque," the names—"Maulvi

Latafat Hussain" and "Rai Bahadur Keshab Chandra Banarji" be added and that in the last line for the word " five " the word " six " shall be substituted.

The motion of Mr. Sarat Chandra Bal was then put.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Sir, I accept Mr. Bal's amendment.

Mr. PRESIDENT: I am afraid I must tell the Hon'ble Minister that it helps the Chair to a very great extent if such acceptance is communicated to the Chair at an earlier stage.

3-45 p.m.

The motion of Mr. Sarat Chandra Bal was agreed to.

The motion of Maulvi Abdul Hakim was then put and agreed to.

The following motion of the Hon'ble Khan Bahadur K. G. M. Faroqui, as amended by the Council was then put and agreed to:—

" That the Bengal State Aid to Industries Bill, 1930, be referred to a Select Committee consisting of—

The Hon'ble Khan Bahadur K. G. M Faroqui;

Mr. G. P. Hogg;

Mr. W. H. Thompson;

Mr. H. R. Norton;

Maharaja Srish Chandra Nandy, of Kasimbazar;

Rai Badridas Goenka Bahadur, C.I.E.;

Raja Bhupendra Narayan Sinha Bahadur of Nashipur;

Mr. A. K. Fazl-ul Huq;

Khan Bahadur Maulvi Alimuzzaman Chaudhuri;

Khan Bahadur Maulvi Azizul Haque;

Mr. Mukunda Behary Mullick;

Rai Sahib Rebati Mohan Sarker;

Mr. Sarat Chandra Bal;

Maulvi Abdul Hakim;

Maulvi Abdul Hamid Shah,

with instruction to submit their report in time for its consideration at the next session of the Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The Bengal (Rural) Primary Education Bill, 1930.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to introduce a Bill to provide for the extension of primary education in rural areas in Bengal.

(The Secretary then read the short title of the Bill).

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to move that the Bengal (Rural) Primary Education Bill, 1930, be taken into consideration.

Babu SATISH CHANDRA RAY CHOWDHURY: On a point of order, Sir. May I know whether the assent of His Excellency the Viceroy has been obtained to this Bill, and if so, when?

Mr. PRESIDENT: First of all I should like to know why you put this question, and under what section of the Government of India Act you take your stand.

(The member remained silent).

Mr. PRESIDENT: I may tell the hon'ble member that this Bill could not be introduced without the assent of His Excellency the Viceroy. I could not give the exact date on which it was obtained, but that point is immaterial.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, the Primary Education Bill was introduced by Nawab Mosharuf Hossain, Khan Bahadur, in August, 1928. This Bill was referred to a Select Committee, the report of which was presented to the House, but the Council having been dissolved in the meantime, the Bill lapsed. Again in 1929, when the new Council was formed, the Primary Education Bill was introduced by the late Mr. McAlpin. This Bill was also referred to a Select Committee, the report of which I presented to this House, and later on, with the permission of the House, I withdrew the Bill. At the time when I took the permission of this House to withdraw the Bill, I gave an undertaking that I would introduce another Bill in the August session, and according to that undertaking I have to-day introduced the Primary Education Bill and have asked for leave to move that this Bill be taken into consideration.

This Bill, Sir, is based more or less largely on the report of the first Select Committee which was presided over by Nawab Mosharuf Hossain. The modifications are slight, and not large in number. The most important modification is in the ratio of the cess. In the report of the Select Committee the ratio of the cess was 3 pice in the rupee for the tenants and 2 pice in the rupee for the landlords. In the Bill we are providing that the ratio should be 1½ pice for the landlords and 3½ pice for the tenants. This is what may be called a compromise. The two Select Committees, both of them, altered the ratio of the cess and made it 2 pice for the zamindars and 3 pice for the tenants in the first instance, and in the second 2 pice for the zamindars and 2 pice for the tenants. Government have always held that the fair ratio was 4 pice for the tenants and 1 pice for the zamindars. As a compromise between the report of the Select Committee and the opinion of the Government, I have changed the ratio to 1½ pice for the zamindars and 3½ pice for the tenants, and I consider the ratio to be fair and reasonable for both the parties.

There is another thing I would like to explain with regard to this Bill, and that is the amount of contribution which the Government is going to make. Late Mr. McAlpin, at the time when he introduced the Bill, said that Government would undertake to keep up the grant which they are at present making towards primary education in rural areas, and the Government abide by that undertaking.

As regards the other changes from the report of the Select Committee, they are, as I said, of a minor character, and need not be gone into at this stage.

Sir, before the introduction of the Primary Education Bill by Nawab Musharruf Hosain, the then Secretary of Education, Mr. Lindsay tried to find out public opinion and toured all over the districts of Bengal and consulted the members of the District Boards and Local Boards, and prominent men in rural areas and obtained their opinion on the Bill. There were slight changes made in view of the opinion thus obtained from the various leading men and members of the District Boards and Local Boards. After that the Bill was introduced twice—two Bills in successive Councils were introduced and twice these two Bills were referred to two Select Committees. Therefore, it is apparent that the Bill has not only been fully discussed both in the Council and in the province, but all the material points have been considered and deliberated upon, both in this House and outside. Therefore, I am of opinion that it will serve no useful purpose if this Bill is referred to a Select Committee again. The principal object of sending a Bill to the Select Committee is that the minor alterations and modifications with regard to the details of the Bill should be gone into the Select Committee so that when it is taken up for consideration in the House, the time of the House is saved and the Bill may go

through without much trouble and labour. This Bill has gone through two Select Committees and it is mainly based on the report of the first Select Committee. The second Select Committee's report was not acceptable to Government and on that account the Bill was withdrawn. The principle of the Bill with regard to the realisation of money by means of cess was accepted by the House both the times, that is to say, when they referred it to the first and second Select Committees.

4-30 p.m.

Therefore, it is only a question of detail. The amendments of the various clauses do not affect the fundamental principles of the Bill that require to be modified and for which a Select Committee may be necessary. This question has been gone into twice and the subject has been discussed threadbare in all its aspects. When the first Select Committee report was presented, it was found that out of 32 members 18 members submitted notes of dissent differing from one another. It is therefore obvious that if this Bill is now referred to another Select Committee no useful purpose will be served in any way nor the work of the Council lessened, but on the other hand the Council will have to go through the same ground over again. Therefore, I am convinced that if this Bill is referred to the Select Committee, it will cause delay perhaps and very likely the Bill may altogether be shelved. Therefore I think that the Bill should be taken into consideration. It is a matter of regret that at this stage notices of motions have been given asking for circulating the Bill to elicit public opinion. As I have told you before, this Bill has been before the public for the last four years. It has been introduced into two Councils and it has gone through two Select Committees. Then, the only object, it appears to me, of referring the Bill for circulation is that the Bill should be shelved. Therefore, I ask the House that they should reject these amendments if they are moved.

Sir, during my tour of the districts of Bengal one thing that struck me most forcibly was the demand on the part of the illiterate people of Bengal for primary education. At the places I visited, public meetings were called in which the signatories were Hindus and Mussalmans. I presided over public meetings attended by Hindus and Mussalmans. All the meetings that I presided over or attended were crowded public meetings in which every available space in the hall was filled up, leaving a large crowd in the verandahs, windows and outside. These meetings were attended by people who are actually illiterate. They were also attended by the literate and educated classes, but the majority of the people who attended the meetings were the cultivators, the illiterate people, the dumb millions of Bengal. In all these meetings, the provision of this Bill that they will have to pay a tax was explained both in English and in Bengali and in all these

meetings resolutions were passed, calling upon me to see that the Bill is enacted into law in this session of the Council. In some of these meetings, when resolutions were passed, the fact that it should not be referred to the Select Committee was specially mentioned. Therefore, it is obvious that there is a genuine demand on the part of the masses, on the part of those who are illiterate, that there should be a Primary Education Bill, and the one thing that they were most keen about was that the Bill should provide compulsory education. They were not so much concerned whether they will have to pay a tax or not, they were not concerned whether the District Magistrate was to preside over District School Committees, they did not care whether the Central Committee will have executive power or not, the thing that they were most clamouring about was that they want compulsory education and the Bill should be brought in as soon as possible. That was the demand of those who have not had education

Sir, we are asking for responsible Government at the present time. I do not think that this House can deny the dumb millions of Bengal the right of primary education and at the same time claim responsible Government. I do not mean to suggest that there should be no responsible Government until the masses become literate, but the masses should be in a position to understand what responsible Government is when they get it That they should be able to share in the administration of the country and in shaping its destiny no one can deny. At the present time in Bengal 75 per cent. of the population knows nothing about the Simon Commission's Report, the Nehru Report or the Round Table Conference If we want responsible Government immediately then we ought, without delay, to provide primary education, so that when responsible Government is introduced people are able to exercise their franchise intelligently If we fail to get this Bill passed in this Council, then it will mean that the demand for the last 20 years for primary education was merely a cheap agitation against Government and not a real demand of the people. Sir, the welfare and progress of the masses are the first considerations of this House. They have responsibilities towards these people, and it is my firm conviction that nothing can be done for these people until they learn how to read and write and be able to understand the advantages of sanitation, social reform and political reforms. (Hear, hear.) It is absolutely necessary in the interests of these people that they should be given what they are asking for and they should be in a position to take advantage of the benefits of welfare work and social reform. This House is in the position of a trustee and they will be failing in their duty if they do not see that this Bill is enacted into law without any delay whatsoever.

Sir, public opinion, as far as vocal opinion is concerned, if we take the newspapers into consideration it will be seen that there has been very

little hostility towards this Bill. The majority of the papers have supported the Bill, others are silent or have commented on the various clauses of the Bill. Therefore I claim that I have obtained, in the only way that was possible for me, the opinion of the people of Bengal with regard to this Bill. I have got tangible proof that there is a demand on the part of the people of Bengal for this Bill; that they are prepared to undergo the burden of taxation even (A Voice: No). If they can get the Bill, it will provide primary education. Sir, a gentleman has said "No." Let me tell him that at Jessore at a public meeting a representative of the depressed classes—President of the All-Bengal Depressed Classes Association—I am not quite sure of the nomenclature—but one of the most responsible gentlemen representing the depressed classes said that if they are compelled to pay even so much as 5 pice in the rupee they are prepared to do so provided they get primary education. They feel that they are in need of primary education and they must get it as soon as possible without any delay whatsoever. I consider, Sir, that it is a fairly conclusive evidence of the demand for primary education when responsible men in a public meeting declare that they are prepared to take the burden of taxation provided they get it.

I would just say one word and finish and that is, in asking you to take this Bill into consideration; I have got a precedent of this Council, that is to say of the Bengal Legislative Council The Bengal Tenancy Amendment Bill was not referred to a Select Committee at the time when it was passed. That Bill was also taken into consideration on similar grounds, namely, that the Bill had been before the Select Committee and there was no ultimate gain in referring to a Select Committee again because the differences were so irreconcilable that no useful purpose would have been served by sending that Bill to another Select Committee. Sir, on that precedent and on the ground that this Bill should be enacted into law, without delay and without giving any opportunity of its being shelved; I ask this House to take the Bill into consideration immediately.

[At 1.13 p.m. the Council was adjourned for prayer and it re-assembled at 4-2-5 p.m.]

Mr. BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that after the word "consideration" the following be added, namely:—

"after so altering its principles as to make primary education at once compulsory."

I do not think, Sir, that I need speak at length in moving this amendment. The Hon'ble Minister was very eloquent in moving the

motion which stands in his name. That primary education is necessary and that it is for the good of the people is a truism and one need not argue that point. We all admit it. But, my friend, the Hon'ble Minister has said that he has followed the principles laid down in the recommendations of the first Select Committee. But, Sir what about the recommendations of the second Select Committee? I should like to remind the Hon'ble Minister that there were many swarajist members in the Council then who were also members of the first Select Committee, but they were all absent from the meetings of the first Select Committee and they submitted Notes of Dissent, so that the Hindu opinion was practically unrepresented in the first Select Committee.

4-15 p.m.

But it was properly represented in the second Select Committee. That Select Committee's report is very inconvenient from the point of view of my hon'ble friend the Minister and naturally he has avoided it.

The Hon'ble Minister has tried to make out a case saying that there were many notes of dissent, so it was no use referring the Bill to a Select Committee again. It is a novel proposition that he wants to lay down. It has always been the practice in all legislatures that a Bill must have three readings; the Hon'ble Minister wants that a Bill which proposes to tax the rate-payers to the tune of a crore of rupees should be taken into consideration without a reference to a Select Committee. My hon'ble friend has come to that opinion evidently because he happens to have got some support for his Bill at a few meetings held in Eastern Bengal. But I would remind him that Bengal does not consist of Eastern Bengal only. What about the 11 districts in Western Bengal? Did he ever venture to address any public meeting in the suburbs of Calcutta or in the districts of Hooghly or Burdwan? If he had done so, he would have been convinced that the people would not support him in his proposal of rushing through the Bill in this manner. This Bill proposes to impose a heavy taxation on the people but what about the huge deficit of Rs. 97 lakhs? There is not a word in the Bill itself as to how this deficit is to be met. There is moreover nothing in the Bill guaranteeing Government contribution. All these things have been very conveniently avoided.

The Hon'ble Minister was pleased to state that the motions for circulation of the Bill to elicit opinion were evidently meant for shelving the Bill. I should like to tell him that there are members in this House who have got the interest of the country as much at heart as my hon'ble friend and he has got no right to question their patriotism or to question their right to represent popular views.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir. Is my hon'ble friend speaking on his motion or is he speaking on a subsequent motion for reference to the Select Committee.

Mr. PRESIDENT: Are you making one speech on all your amendments? In that case, you had better first move all your amendments formally.

Mr. BIJOY PRASAD SINGH ROY: As regards my amendment No. 1, I submit that this heavy taxation could only have been justified if the people would get compulsory primary education at once. Clause 29 of the Bill provides for taxation and clause 55 says that "if the Local Government, after consulting the Board concerned, is satisfied that there is adequate provision for primary education in any area for which Union Board, union committee or panchayat, has been constituted, it may, by notification, declare that primary education shall be compulsory within such areas.

Mr. PRESIDENT: Order, order, you had better follow my advice and formally move the amendments first.

Mr. BIJOY PRASAD SINGH ROY: Very well, Sir, I beg to move—

that after the word "consideration" the following be added, namely:—"after so modifying its principles as to make the Bill applicable to both urban and rural areas";

that after the word "consideration" the following be added, namely:—"after so altering the principles and details of taxation as to make the Government responsible for one half of the expenditure from the date the Act comes into operation on account of compulsory primary education from the general revenues of the province";

that after the word "consideration" the following be added, namely:—"after such modifications have been made in it as shall make the Government responsible on a statutory basis from the date when the Act comes into operation for Rs. 97,00,000 annually as recurring expenditure to meet the deficit in the total amount required according to Government estimate to finance the scheme";

that after the word "consideration" the following be added, namely:—"after such modifications have been made in it as shall make the Government responsible on a statutory basis from the date when the Act comes into operation for the whole expenditure on account of the training of teachers, inspecting staff and for imparting agricultural education in all primary schools in the rural area."

Sir, admittedly the people will have to pay an additional taxation but education will be compulsory only when the Government choose to make it so. What does it mean? It means that people will have to bear an additional burden for primary education, yet they will go on paying the tuition fees of their children till primary education is made compulsory.

As regards my amendment No. 2, I think that the provision of the Bill should be extended to urban areas also, except of course to the city of Calcutta which has its own Act or Dacca. The urban areas are practically rural areas. Why divide them into watertight compartments? For the purposes of election to legislatures these so-called urban areas are not differentiated from rural areas, but they form one constituency. I do not find any justification for differentiating them for the sake of primary education and I think that the provisions of this Bill ought to be extended to all the municipal areas excepting as I have said Calcutta and Dacca.

I have already pointed out, there is no guarantee in the Bill that the Government will contribute a portion of the cost. It is only a pious wish that the Government would contribute towards the cost of the training of teachers or for the inspecting staff. Primary education should be one of the first charges on the revenue of any civilised Government, so it is only just and proper that this Bill should contain definite provision guaranteeing that a portion of the cost should be borne by Government. If that is not done and if the Government want to spend more money on a department which they prefer they would always say—there is no money and there must be additional taxation before we make any grant for compulsory primary education.

As regards my amendment No. 4, there is a huge deficit of Rs. 97,00,000. The Bill is absolutely silent on the point and the Hon'ble Minister was also very conveniently silent in his speech which dwelt with meetings in Jessore and in other places in the interior. He has told us how he was welcomed and how the people thought that Messiah had at last come. I would ask him to explain this lacuna in the Bill. The proposed taxation of a crore of rupees, which is in itself a heavy one, will not cover half the cost of primary education for all the boys and girls of school-going age in the province.

These are the points which ought to be properly considered and ought to be placed before the public. That is the reason why there are so many motions for the circulation of the Bill and for its reference to a Select Committee. My hon'ble friend thinks that we are anxious to shelve the Bill. I can assure you, Sir, that we are not. I know there are committees to shelve and committees to solve. If the Hon'ble Minister agrees to refer the Bill to a Select Committee, we shall be helpful to him to solve the problem and shall not attempt to shelve it.

Sir, the Hon'ble Minister has said that his meetings were attended by the dumb millions, by the illiterate people, and that they pressed on him not to refer the Bill to a Select Committee. I will ask him —does he seriously want us to believe it? Does he mean to suggest that these illiterate people know what a reference to the Select Committee is? Have they got any idea as to what a Select Committee is?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: On a point of order Sir. My hon'ble friend's amendments do not refer to a Select Committee.

Mr. PRESIDENT: It is so, but the hon'ble member is entitled to throw out suggestions that in case the Bill is referred to a Select Committee the remedy which he is seeking by these amendments might be forthcoming in that Committee. It may be in his mind—I am merely guessing—that in the event of any such assurance being given by you that the Select Committee proposal would be accepted, he would withdraw his motions

Mr. BIJOY PRASAD SINGH ROY: That is exactly what is in my mind. We attach great importance to the motions for referring the Bill to a Select Committee; and if the Hon'ble Minister will find it possible to accept any of these motions, certainly we shall be very glad to withdraw all our amendments. I do not think I need detain the House any longer as there may be other members who are anxious to speak.

Mr. PRESIDENT: At this stage observation of a general character are not permissible to any other member

Members must confine their remarks to the amendments now before the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, having regard to your ruling I shall confine myself to the propositions which have been put forward by my hon'ble friend, Mr. Singh Roy. I do not know whether I shall be in a position to support them in the form in which they have been put because such support might imply that the Bill in the present form should not be considered by this Council. That is what I do not desire. But at the same time I wish to say that some of the proposals made by Mr. Singh Roy are proposals which are worthy of every support, and I hope that the Minister will give a little calm consideration to some of his proposals and be able to give such assurance as will make it unnecessary to press this motion to a vote. The Hon'ble Minister in his speech made very noble utterances in regard to the necessity of giving free and compulsory primary education to the masses. Sir, I have long felt the need of primary education. For

the last 20 years and more I have spoken and written about the urgent necessity of free and compulsory primary education among the masses. I can carry back my memory to the days when Mr. Gokhale introduced his memorable Elementary Education Bill in the Indian Legislative Council, when there was a tremendous opposition to the Bill in Bengal. Even then I had the courage to speak out that the Bill was a necessity.

4-15 p.m.

My opinions have never changed. The provision of free compulsory primary education for the masses has been recognised to be a primary duty of all civilised States at the present moment, and action on the part of the Government of Bengal has been long over-due. I therefore welcome the efforts of the Hon'ble Minister for pushing through the Bill for the purpose of providing free compulsory primary education for the masses. His enthusiasm struck me as remarkable, but when I looked into the provisions of the Bill it seemed to me that he was speaking without his brief. The Bill is not directed towards providing free and compulsory primary education to the masses at all. It does not provide anywhere that within any time whatsoever education must be free and compulsory in Bengal. It leaves the whole thing to the discretion of Government. It provides no machinery by which the promise laid down in the Preamble that this is a Bill for the purpose of making primary education free within ten years can be fulfilled. There is no machinery to work up the programme of building up a system of free and compulsory primary education in Bengal in 10 years, or, for the matter of that, within 20 years.

Sir, I have closely examined the financial provisions in the Bill, but I find that on the basis of those financial proposals there is no prospect of free and compulsory primary education being provided in Bengal within a reasonable time. My friend Mr. Singh Roy has alluded to the deficit of Rs. 97 lakhs which has got to be met. It may be that this sum may not be necessary; it may be that the revised scheme which has been framed by Government may be adequate, although I doubt it very much.

But there is a fundamental defect in the Bill, in the whole financial scheme, which makes it impossible that the Bill should provide free and compulsory education all through Bengal, and that is that each district is to form a separate financial and administrative unit for the purpose of primary education. The District Primary Education Fund is to consist of realisations from the Cess in that district plus such contributions as the Government makes. Now, Sir, I take my stand on the figures as given in the revised scheme. Government is going to spend about 23 lakhs for the purpose of primary education and no more. That is the total fund available. Now there are districts in which the Cess Fund as levied under the Bill would not be anything like adequate

for the purpose of providing adequate resources for primary education throughout the district. On the other hand there are districts, for instance, the district of Burdwan, with its mines, which would provide an enormous revenue in the shape of an Education Cess, which would be much more than what is needed for that district. Now, Sir, neither in the draft Bill nor in the Statement of Objects and Reasons, nor in the speech of the Hon'ble Minister introducing the Bill, has anything been said which shows that it may be possible for each district, out of its funds to run all the schools that are necesary to provide elementary education throughout that district. I do not know whether such figures are available. I do not know that such figures have been examined. Besides that, when the Bill is once passed and it comes into operation it may be found that it is hopelessly inadequate for the purpose of providing primary education in Bengal not in ten years, not in 20 years' time, but perhaps not at all, unless we totally revise the financial proposals of the Bill. Therefore, Sir, I have every sympathy with my hon'ble friend when he suggests that something should be provided in the Bill by which an ample guarantee should be given that primary education should be made free and compulsory throughout Bengal within a reasonable time, say, within 10 years or 6 years, as the case may be. Such a provision is not only entirely absent in the Bill but the Bill, having regard to the principles on which it has been framed, is inconsistent with such a consummation. The financial provisions in the Bill, as I have said, have never been adequately considered, at least not considered from the points of view from which they ought to be. If they had been so considered, the result would have been different. I am completely in favour of levying a cess for primary education. I would go so far as to raise more than that—all that is necessary for the purpose of giving free and compulsory primary education throughout the province at the earliest opportunity. But we have yet to see a proposal which is going to do that. I have had the honour of an interview with the Hon'ble Minister and have already discussed the provisions of the Bill with him———

Mr. PRESIDENT: I am afraid you have drifted away from the matter now before the House. I had not the least inclination of stopping you, but I think that unless I sound a note of warning other members might fall into the pitfalls which you are leaving behind you. The point is this: there are five amendments before the House at the present moment and your remarks should be confined to them. After all these have been disposed of, a stage will be reached in which members will be permitted to make general observations with regard to the Bill itself. For the present your remarks should be confined to such portions of the Bill as are within the purview of these five amendments.

Dr. NARESH CHANDRA SEN GUPTA: Sir, what I was going to say is that it is necessary that not only should there be some provision in the Bill for making primary education free and compulsory immediately or within a period of time to be fixed now, which shall not be altered without the consent of this Legislative Council and there must also be adequate provision in the Bill which would enable district school boards when constituted, to carry out the programme set forth in the Bill for that purpose. I think, Sir, that the Bill as now framed does not contain such provisions.

Khan Bahadur Maulvi AZIZUL HAQUE: These motions of which notice has been given are flank movements to defer the Bill as far as possible. It is unfortunate that Mr. Bijoy Prasad Singh Roy has brought in these motions at so late a stage in the career of this Bill, and some of us have no other alternative than to think that he wants to take time so that the evil day might be postponed as much as possible. But I might remind him of the wave of opinion raging in the country and it is necessary to take note of the feelings of those outside so that we the representatives of the people might feel at this distance that we have been true to the interests of the people at large.

Now, Sir, what are the amendments of Mr. Bijoy Prasad Singh Roy? His first amendment is that the principles of the Bill should be so altered as to make primary education at once compulsory. I ask Mr. Singh Roy if he himself has thought of any scheme by which proposals of such a magnitude affecting millions of people can be at once given effect to. It takes time to give practical effect to such a measure. There would be pitfalls no doubt, but I do not know yet of any single measure in the history of this country in which a measure could at once be introduced in such a perfect shape.

His second amendment is that the Bill should be applicable to both urban and rural areas. There are some of us who are of opinion that it would be much better if urban as well as rural areas could be taken together, but it is too late now to accept it because that goes fundamentally against the principles of the Bill. Also because we have an incongruous state of affairs in the country in which the municipalities have got one method of taxation and the district boards another. So long as these methods remain it is not possible to amalgamate the two local bodies; we have got to raise taxes from rural areas and the only tangible and practical scheme which can be thought of is the cess one. In municipalities no such cess is possible and none has yet been devised so as to be uniformly applicable to both rural and municipal areas. That is the second reason why Mr. Singh Roy's second amendment, though acceptable in principle, cannot be accepted to-day, at least so long as the present incongruous stage of taxation remains, so far as municipalities are concerned.

would jump at the idea. But if you go through the provisions of the Bill, you will find nothing of the sort. What does the Preamble say?

Mr. PRESIDENT: You are again drifting away from the real points.

Mr. SHANTI SHEKHARESWAR ROY: My point is this: that if the measure is to be proceeded with at all, it must be proceeded with on the basis of free and compulsory primary education immediately.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, Khan Bahadur Maulvi Azizul Haque has dealt with the five amendments which have been moved by Mr. Bijoy Prasad Singh Roy.

As regards amendment No. 1, which seeks to make primary education compulsory at once, it is a thing which is practically impossible at the present state of the country's development. To be able to make primary education compulsory at once, we must have schools all over Bengal within a reasonable distance of each other, *so that the boys could go to those schools* and this is an impossible task at present. How can one provide for such schools immediately after the passing of the Act? First of all, it is a physical impossibility. Secondly, the money that we shall realize from cess will not be sufficient to provide for schools immediately, and therefore it is not possible to make primary education compulsory at present. It is also necessary that we should have trained teachers as far as possible. At the present time the number of trained teachers is very small. And to have trained teachers in sufficient numbers will take considerable time. That is another consideration which prevents us from making primary education compulsory immediately on the passing of the Act.

Now as regards the fourth amendment which refers to the deficit of Rs. 97 lakhs under the revised scheme which has been prepared by the Director of Public Instruction, there will be no deficit. The question therefore does not arise.

As regards amendment No. 5, there are certain other amendments regarding the first two points, viz., making statutory provision for expenditure on the training of teachers and inspecting staff, I think I shall be able to give a definite reply when we reach that stage, but as regards imparting agricultural education in primary schools, I have got to oppose it on the ground that the scheme of the Director of Public Instruction balances the whole thing and provides for free and primary education within seven years. If this clause is added, we do not know what the actual financial condition would be, and we cannot guarantee to provide this. So, I have got to oppose this amendment also. Sir, I oppose all the five amendments.

The following motion were then put and lost:—

That after the word "consideration" the following be added, namely:—"after so altering its principles as to make primary education at once compulsory."

That after the word "consideration" the following be added, namely:—"after so modifying its principles as to make the Bill applicable to both urban and rural areas."

That after the word "consideration" the following be added, namely:—"after so altering the principles and details of taxation as to make the Government responsible for one half of the expenditure from the date the Act comes into operation on account of compulsory primary education from the general revenues of the province."

That after the word "consideration" the following be added, namely:—"after such modifications have been made in it as shall make the Government responsible on a statutory basis from the date when the Act comes into operation for Rs. 97,00,000 annually as recurring expenditure to meet the deficit in the total amount required according to Government estimate to finance the scheme."

The motion that after the word "consideration" the following be added, namely, "after such modifications have been made in it as shall make the Government responsible on a statutory basis from the date when the Act comes into operation for the whole expenditure on account of the training of teachers, inspecting staff and for imparting agricultural education in all primary schools in the rural area," was put and a division called. After the bell had ceased ringing and when the House was going to divide, the mover expressed his desire not to press for division.

The division was then, by leave of the House, called off and the motion was declared lost.

Mr. PRESIDENT: With regard to amendments Nos. 6-15 it appears that they are all more or less identical, and I think that to save the time of the House, I should select one of them for discussion. The fate of that amendment will decide the fate of the rest. I think the House will agree with me that Mr. J. N. Gupta's amendment should be chosen for the purpose of our debate. I might add that members who have given notice of similar motions may speak on Mr. Gupta's amendment, if they so desire.

5-15 p.m.

Mr. J. N. GUPTA: I beg to move, by way of amendment, that having regard to the vital importance of finding adequate funds for the working of the scheme outlined by the Bengal (Rural) Primary Education Bill, 1930, and the necessity of a suitable contribution from Provincial revenues for the scheme, the Bill be circulated for eliciting opinion thereon and that December, 1931, be fixed as the date by which opinions should be received.

Sir, I sincerely trust that the wording of the amendment which I have the honour to move to-day leaves no sort of doubt in the minds of hon'ble members regarding my attitude towards the beneficent measure which is the subject of the present Bill. I would all the same like to say at once that myself and the party in this Council to which I have the honour to belong are unreservedly pledged to the cause of the education of the masses, and for the matter of that to any scheme which has for its object the uplift, be it social, economic or educational of the rural population of Bengal. Sir, how could it possibly be otherwise? We, who owe everything in life which we value to the education which we had the good fortune of receiving, how can we deny the light of education and enlightment to our less favoured brethen whose need in this respect is truly far greater than of the so-called upper classes? Furthermore, Sir, to men like myself who have devoted the best portion of our lives in working for the uplift of the masses of Bengal and who have therefore necessarily devoted a great deal of our time promoting the cause of the education of the people, have a special bond of attachment for the cause of primary education in Bengal. That in taking the liberty of striking this personal note I have made no vain boast I confidently hope will be borne out by hon'ble members who represent such districts as Noakhali, Bogra or Rungpur, for if I remember aright in all these districts there was a very marked impetus for mass education and the uplift of the rural population generally during the years I had the honour of serving in those districts as Magistrate and Chairman of the District Board.

You may well ask if this is our attitude towards this Bill why do we propose to have its consideration postponed? The reasons I have sought to indicate in the wording of my amendment It is in the best interests of the cause of primary education itself and to save this beneficent measure from bitter opposition from the very people in whose interests it has been conceived that I am moving this amendment. The working of the scheme outlined in the Bill, defective and inadequate as it is, will entail the imposition of fresh taxation on the people of Bengal to the tune of a crore and twenty-six lakhs of rupees without any substantial contribution from the Provincial

revenues. I ask the Hon'ble Minister in charge of the Bill, and I ask the Government of Bengal, is this a suitable and proper occasion for the imposition of fresh taxations on the people, which will be a heavier burden than that of the existing road cess and public works cess put together? Apart from the grave political blunder of such a measure at this crisis I once more ask the Minister in charge and the Government, have they paused to consider the grave injustice to which they will subject this unfortunate province if this Bill were to be passed into law? They cannot be unaware that this province is already suffering from the grossest financial inequality of treatment at the hands of the Central Government—the richest province in India with the most expanding sources of income, the largest population, and the most difficult and pressing problems of insanitation and poverty to solve, this province has to yield up to the Central Government no less than 69 per cent. of its revenues and contributes no less than 45 per cent. of the total revenue to the Central Government which are, far in excess of the contributions of other provinces, and is thus left with the smallest revenue per head of the population just over Rs. 2 which on an average is about one-third of the revenue of the other major provinces of India. As if this is not enough you now propose to impose fresh taxation on the people without giving them practically any substantial aid from the Provincial Government. Sir, I do hope the Hon'ble Minister does not suffer from the delusion that this province is lightly taxed compared with other provinces of India and the Permanent Settlement hides untold mints of silver which have only to be tapped to produce a shower of rupees. Sir, he must be well aware that taking central and provincial taxes together the incidence of taxation per head of the population is higher in Bengal than in any other province excepting Bombay being Rs. 7-8 per head against Rs. 3-6 of United Provinces and Rs. 5-11 of Madras and Rs. 5-6 of the Punjab. In the Statement of Objects and Reasons of the draft Bill the Minister-in-charge has euphemistically stated "the present Bill is based in the first instance on the Madras Elementary Education Act, 1920, but differs from the Statute in many important features." Indeed it does. Sir, as hon'ble members must be well aware, in Madras any local authority in whose area the Elementary Education Act of 1920 is brought into force has the power to levy a tax not exceeding 25 per cent. of the tax at present leviable by that body. To the amounts so levied Government must contribute an equal sum and in addition the amount of recurring expenditure incurred from provincial funds on education in elementary schools under public management in the area during the financial year before the Act came into force. Sir, in Bengal while on the one hand the proposed taxation will be over 100 per cent. of the road cess and public works cess now leviable under the Road Cess Act, there will be on the part of the

local Government no contribution in money to the proposed District Primary Education Fund, though it is true that Government will take charge of the training of teachers and of the cost of the inspecting staff. But Government even now must be spending a certain amount on these heads, and although there is bound to be some increase under the proposed scheme yet the additional Government contribution to the scheme of primary education outlined in the Bill will still be insignificant. Thus Bengal will be unique both in the excessive burden of fresh taxation which this Bill seeks to impose on the people and the extreme meagreness of the financial assistance which Government propose to make. I have said Bengal will be unenviably unique in this respect because on scanning through the scale of Government subvention in the schemes of primary education recently introduced in other provinces of India, I find it is nowhere less than half of the local contribution and in some cases even two-thirds.

Sir, I have just stated above that already this unfortunate province is deprived of the major portion of the revenues by the Government of India in the unequitable arrangement which at present obtains, and I ask why should she be again subjected to this additional unequal treatment judged on the standard of what is being done in other parts of India for mass education. I know the Hon'ble Minister will tell me in reply that he is not responsible for this inequitable treatment at the hands of the Central Government of which I complain. He may even point out that according to my own admission this Government is one of the poorest in India, and it is not possible for that Government to be more generous to the cause of primary education than what he has persuaded it to be. He might further ask me what would I like to do now. For I must admit, like all of us here, that the state of elementary education in Bengal is most deplorable judged on any possible standard either qualitative or quantitative. Should we stay our hands and stand aside and do nothing to improve the present deplorable state of affairs, because Government is unable to make a suitable contribution towards the expenses which will be required? I admit there would be much force in this contention if we had to accept the present financial inequality of treatment of this province to be sacrosanct and irrevocable. Fortunately, however, there is every reason to believe that in the immediate future the financial position of this province will materially improve. The Government of India, the Simon Commission and all impartial investigators have been fully impressed with the intolerable and grossly unfair financial position in which this province has been placed, and although there may be difference of opinion regarding the manner in which and the extent to which financial relief is to be given to Bengal, there cannot be any reasonable doubt that in the impending constitutional changes we shall receive a far more just and generous financial treatment.

The whole question, therefore, resolves itself into this, should we wait a little while longer or rush through this Bill with its unequal treatment of this province and the heavy load of taxation which it seeks to impose on the people? I think I am in a position to advance two arguments which might help hon'ble members to come to a decision in this matter. The first is that in passing this Bill into law we shall be depriving ourselves of a potent argument for better financial treatment and rectification of the grave injustice which has reduced this province to such a state of impotence that she is unable to attend even to such vital needs as education of the masses. This aspect of our case has already attracted the attention of impartial critics. Mr. Richey, the Educational Adviser to the Government of India, in reviewing the progress of education in India during 1917-22 has observed: "The financial inequalities of the provinces cannot but profoundly affect their education policies. While Bombay with its large and growing revenues can contemplate the early and general introduction of compulsory primary education, it is out of the question for Bengal with its restricted inelastic resources to consider any such project."

5-30 p.m.

There is still another reason which, in my humble judgment, the Minister should hold his hand till he is able to secure a just share of any future addition to the Provincial revenue which we might obtain. He must remember there are other competing and unfortunately far more powerful departments of the Government, whose insatiable greed for more funds will never be satisfied and he will find himself in a weaker position to press for his claims if he now received an augmentation of funds by nearly a crore and a half.

Sir, I have not considered it necessary to examine the framework of the Bill in any detail. The amendment recommends that the Bill be circulated for futher expression of opinion and we shall in due course submit our detailed criticism of the Bill. I may, however, state here that broadly speaking my contention will be that the provision of funds made in the Bill is not sufficient for making primary education free and universal and at the same time efficient throughout the province. The scale of pay proposed for the teachers would not be adequate to attract competent and suitable men. Another observation which in my humble judgment deserves careful consideration is that the mere imparting of literary education to the rural population will not meet the requirements of the case. What is necessary is that our scheme should be able to place facilities for such vocational and agricultural training within the reach of the vast majority of the people who have to live on the produce of the land, with an equal regard to the health and sanitary surroundings of the pupils which

will make them better citizens and better earners. The organic interconnection of the different spheres of rural welfare cannot be overlooked in any scheme of mass education which we might propose for this province. This aspect of the case has been fully recognised both by the Agricultural Commission and the Hartog Committee. If I am so fortunate as to get an opportunity of moving the resolution which stands last in the list I shall be able to place before the House a modest scheme for inter-connected rural uplift in all its aspects which will go a long way towards preparing the ground for the introduction of free and compulsory universal primary education in this province in due course. In the meanwhile I am free to admit that all the amplifications which we suggest will mean still further increase in the cost of our scheme, both initial and recurrent, but that will be something worth having and I can assure the Hon'ble Minister that after he is able to secure a crore of rupees for mass education from the Provincial Revenue, the country will cheerfully submit to taxation for another crore to secure such education for the mass of our countrymen as will help them to improve their lot in life and be worthy citizens of a democratic India. The party to which I have the honour to belong undertakes to prepare the country and public opinion in favour of such a sacrifice. I would therefore earnestly beg the House to support my amendment to postpone the consideration of this Bill till the end of next year.

Maulvi ABDUL KARIM: I do not think there is any justification for a dilatory motion like the one under discussion. When a similar Primary Education Bill was introduced in 1928 it was widely circulated inviting public opinion and a large volume of opinion was received and circulated among the members of the Council. I do not think there is much difference between that Bill and the one before the House. For a long time we have been clamouring for the introduction of free and compulsory primary education in the country. In all advanced countries most of the inhabitants are literates. In Japan the percentage of literates is 97, in America 95, in England 93, whereas in Bengal it is not even 10 per cent. This appalling illiteracy, I need hardly say, is a great slur on the administration. In the Punjab and some of the other provinces steps have already been take in this direction. But in Bengal, I regret to say, which is regarded as the most advanced province in India, nothing has yet been done. This regrettable indifference of Government towards the education of the masses cannot be condemned in too strong a language. In these circumstances it would be most regrettable, nay reprehensible if this opportunity is not availed of for devising means for the spread of primary education in Bengal.

I do not, however, mean that the Bill should be passed as it is. It should be carefully scrutinised and the different clauses should be

thoroughly discussed with a view to remove any objectionable feature and to make the necessary changes in the Bill. In this connection I cannot refrain from referring to my sad experience in the past, when I had to pay heavy penalty for being regarded as an educationist. You cannot realise, Mr. President, until you arrive at my age, what a great inconvenience it is for an old man like myself to attend day after day meetings of the Select Committee and then to find the result of its deliberations pigeon-holed in the Secretariat, if not consigned to the waste-paper basket. Twice the Government introduced Primary Education Bill in the Council, twice it was referred to a Select Committee and twice after the submission of its report the Government dropped the Bill for reasons best known to them. I find 11 out of 12 hon'ble members, who have tabled motions for the reference of the Bill to a Select Committee, have proposed my name as a member. I feel much hesitation in agreeing to serve on the Committee, if one is appointed, unless there is some sort of assurance from the Hon'ble Minister in charge of the Bill that the Bill as amended by the Select Committee, if one is appointed, or on the floor of the House and passed by the Council will find a place in the Statute Book.

MUNINDRA DEB RAI MAHASAI: Sir, as the pioneer of the Library movement in Bengal, I should be failing in my duty if I did not welcome the Bill intended to further the cause of primary education in the rural areas. It is long overdue. Free and compulsory primary education is the crying need of the hour. The appalling illiteracy of the masses is a standing disgrace to the country and we cannot but bring home to the Government its responsibility in the matter. However, I am glad to find that the Government has at last realised the importance of imparting education to the masses better late than never.

As to the financial aspect of the measure, the framers of the Bill have committed an egregious blunder. The present economic condition of Bengal does not favour the imposition of any fresh direct taxation on the masses who were already groaning under heavy taxation and pecuniary liabilities. This would make the Government more unpopular than ever. This was also not the opportune moment for the imposition of any additional tax whatsoever.

In this Bill there was no statutory obligation on the part of the Government to bear a fair share of the cost. The minimum should be at least fifty per cent. This was one of the main defects in the Bill. Government wants to ask the people "Falo kori makoh Tel" as the Bengali adage has it. It meant pay for the oil first and then rub it over your body. I heartily commend the amendment of Mr. J. N. Gupta to defer the consideration of the Bill till the Bill is circulated for public

opinion. In the meantime, owing to financial readjustment of the province, it may be possible for Government to pay its fair quota for the purpose.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, the gist of Mr. J. N. Gupta's speech, as far as I can make out, is to wait for the financial readjustment under the Simon Commission's Report, and then we can have a perfect Primary Education Bill. To begin with, Bengal cannot expect any relief within three years under the Simon Commission Report; and even then it is extremely doubtful whether, whatever we may get will be adequate for the immediate needs of the various departments. Every department is being starved, all improvements are stopped and we are simply marking time. Anything we may get under the financial readjustment will have to be shared by all departments. In the Education Department, apart from primary education, the other branches of education, viz., secondary and higher education, can easily spend one crore of rupees. The two Universities of Dacca and Calcutta, the colleges of mufassal and Calcutta and the secondary schools are all in need of money. We have got schemes which have been administratively approved, and I will say that these schemes are necessary if we want to improve our education. They are urgently necessary but we cannot give effect to them because we have got no funds. If we get any assistance under the new financial arrangements my department alone can absorb a crore of rupees, then, where is the other crore to come from for primary education? It is no exaggeration to say that the Department of Education can easily spend that amount without any difficulty if it is available and every educationist in Bengal and India will approve of the expenditure.

Another point raised by Mr. J. N. Gupta is that other provinces in India are contributing and have contributed either half, or as in one province, two-thirds of the amount necessary for primary education. In this connection I would like to draw the attention of the House to the fact that primary education as provided in other provinces is of an extremely unsatisfactory nature. It is not universal, but only limited areas are being provided with primary education. The only reason why they have not been able to establish universal primary education in the other provinces is that they have not the courage to go in for fresh taxation and have to find the money from their provincial revenues. Madras is experimenting with a small limited area; Punjab is also similarly doing with a small area where it is extending primary education; Bombay and other provinces are in the same position. The reason why these provinces have not been able to go forward with a comprehensive scheme is that they have not the courage to come forward with a taxation proposal as we have. I would like to tell the House that if this Bill is enacted into law the cess will not be levied at least for one

year, because we have got to go through a tremendous amount of spade work and preliminary work before we can impose this cess. So whatever may be the financial condition of the people at the present time and the political situation at the present time, we have every reason to hope that the situation will be much better than now in a year's time; so, that point ought to be left out of consideration altogether.

I entirely agree with my friend Maulvi Abdul Karim that this motion at this stage is of a dilatory nature and I have no option but to oppose it and I hope the House also will reject it.

The motion that having regard to the vital importance of finding adequate funds for the working of the scheme outlined by the Bengal (Rural) Primary Education Bill, 1930, and the necessity of a suitable contribution from Provincial revenues for the scheme, the Bill be circulated for eliciting opinion thereon and that December, 1931, be fixed as the date by which opinions should be received, was then put and a division taken with the following result:—

AYES.

Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gakul Chand.
Chatterjee, Mr. B. C.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Goenka, Rai Bahadur Badridas.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Law, Mr. Surendra Nath.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukharji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasim bazar.
Poddar, Seth Hunuman Prosad.
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hosani.
Roy, Babu Satyendra Nath.
Roy, Mr. Bijay Prasad Singh.
Roy, Mr. Satleswar Singh.
Roy, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Ray Choudhuri, Babu Ham Chandra.
Sahana, Babu Satya Kinkar.
Sen, Rai Sahib Akshay Kumar.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.

NOES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Blandy, Mr. E. N.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Afimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Sa-li Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. D.
Dain, Mr. G. R.
Dash, Mr. A. J.
Easson, Mr. D. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Fazlullah, Maulvi Muhammad.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Susil Kumar.

Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hegg, Mr. G. P.
Hopkyns, Mr. W. S.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Ordish, Mr. J. E.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Samad, Maulvi Abdus.
Sarkar, Sir Jadunath.
Sarkar, Rai Sahib Rebati Mohan.
Sen, Mr. J. M.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Sclaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 40 and the Noes 79 the motion was lost.

The following motions were not put as they were covered by the foregoing decision of the Council:—

Mr. BIJOY PRASAD SINGH ROY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 11th July, 1931.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 1st February, 1931.

Babu SATYENDRA NATH ROY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st December, 1930.

Babu JATINDRA NATH BASU to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by November, 1930.

Babu HARIBANSA ROY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the next November session of the Council.

Mr. SURENDRA NATH LAW to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 15th November, 1930.

Mr. SARAT KUMAR ROY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 1st November, 1930.

Mr. SYAMAPROSAD MOOKERJEE to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st October, 1930.

Maharaja SRIS CHANDRA NANDY, of Kasimbazar, to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th October, 1930.

Mr. SARAT KUMAR ROY: Sir, I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Education Department,
(2) Mr. A. J. Dash,
(3) Mr. H. E. Stapleton,
(4) Mr. J. M. Sen,
(5) Mr. J. N. Basu,
(6) Sir Nilratan Sircar,
(7) Maharaja Sris Chandra Nandy, of Kasimbazar,
(8) Babu Sarat Chandra Mittra,
(9) Babu Kishori Mohan Chaudhuri,
(10) Dr. Naresh Chandra Sen Gupta,
(11) Mr. A. K. Fazl-ul Huq,
(12) Maulvi Abdul Karim,
(13) Mr. A. F. Rahman,
(14) Mr. Altaf Ali,
(15) Maulvi Muhammad Basiruddin,
(16) Mr. Bijoy Prasad Singh Roy,
(17) Maulvi Tamizuddin Khan, and
(18) the mover,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be six.

Mr. PRESIDENT: With regard to the motions for referring the Bill to a Select Committee, I am confronted with a difficulty. I sounded a timely note of warning that such motions would be ruled

out of order if acceptances of members, who are to form the proposed Committee, are not forwarded to the Secretary. I find that some have not done this and that only amendment No. 21 is all right in this respect. I would therefore take that amendment up. After disposing of the same, I shall declare the rest as not properly made and cannot, therefore, be moved, if intending movers thereof fail to produce, in the meantime, the acceptances required. In any case, I will not take up any other if motion No. 21 is not accepted by the Council to indicate that the House is not for referring the Bill to a Select Committee, as a matter of principle.

Mr. W. L. TRAVERS: Mr. President, Sir, I wish to say a few words to make it perfectly clear to this Council what attitude the British community takes in regard to this motion and why. Now, Sir, the passing of a law which gives primary education to a province is a cause which is almost ingrained in every Britisher. We feel that we must vote for such a project every time, and we support primary education for the people both as a community and individually. In regard to the present Bill I find that a Primary Education Bill has been before this Council several times. Bill after Bill has come up before the Bengal Legislative Council to bring primary education to the people of the province. For various reasons—for several reasons—those Bills have suffered delay. They have been circulated: they have been sent to Select Committees, Ministries perhaps have died or gone out by the vote of the Council—for various reasons Bills have been delayed—and there arises a suspicion—I might even call it more than a suspicion—in the minds of the people of this province that primary education is being delayed on purpose. Mind you, Sir, I do not mean to say for one moment that that suspicion is justified, but I say that such a suspicion does exist at the present moment. And we feel here that that suspicion being there, we must do our utmost to bring primary education to the people of this province. We consider that if this Bill is sent to a Select Committee there will be more delay, and consequently we are going to oppose this motion, and we are for the Bill being fought now clause by clause before this Council.

Now, Sir, I wish to remind hon'ble members of this House that this decision has not been made now, or this week, or last week, for we committed ourselves on this point when the last Primary Education Bill was before the Council. We then said that we should not in future be in favour of any Primary Education Bill going to a Select Committee. We, of course, do not like taxation. Nobody likes taxation, but we feel as Britishers that if there is a demand by the people of this province for primary education, it is our duty to pay our share of the cost, and in my opinion what the Hon'ble Minister has said to-day about the existence of that demand is true. There is no doubt that the people of

the districts, although they are not educated themselves, desire it for their children and they are prepared to be taxed for the achievement of their desire. If the people had more education, if they had been more vocal now they would insist on having it without paying a pice more than they do at present. And that demand of theirs would in this province at the present time be justified by the large proportionate amount of money that is being spent upon university education and secondary education. I do not mean to suggest for a moment that I am in favour of a reduction of that expenditure, but looking at it from the point of view of the people of the province————

Mr. A. K. FAZL-UL HUQ: On a point of order, Sir. I understand that the gentleman who wants a reference of the Bill to a Select Committee accepts the principle that if there is to be free primary education, there should be taxation. Therefore, it is absolutely irrelevant to discuss the question as to the propriety and necessity of taxation.

Mr. PRESIDENT: How can you anticipate that? We have no such information—at least it is not available to me—that these members have already accepted the principles of the Bill and that they do not intend to question any of the principles involved in the Bill, which they do not approve of, in the Select Committee.

Mr. A. K. FAZL-UL HUQ: Sir, I do not question your ruling. My point is that a reference to a Select Committee means that there should be legislation, but there may be changes for removing from the Bill what they think to be objectionable features. The principle of taxation has already been accepted by the members who want a reference to the Select Committee.

Mr. PRESIDENT: Do you mean to say that in the Select Committee the details relating to such principles cannot be discussed or even altered?

Mr. A. K. FAZL-UL HUQ: I think so, Sir.

Mr. PRESIDENT: I do not think you are right.

Mr. W. L. TRAVERS: Perhaps I have not made myself quite clear. My point is this. I admit that the people are ready to be taxed. It is a further proof that the demand for primary education does exist, and that the people want it as soon as possible, and for that reason we are opposed to the motion before the House for referring the Bill to a Select Committee.

Mr. PRESIDENT: Before I give an opportunity to other members to speak, I had better explain what was actually in my mind when I gave my ruling in regard to the point of order raised by Mr. Fazl-ul Huq. This Bill has not yet been referred to a Select Committee and the principle of taxation has not yet been accepted. It is just passing through the consideration stage, and so a member is now entitled to question any one or all the principles underlying the Bill. The next point is whether the members of a Select Committee could so alter the proposals of the Bill or incorporate in the Bill such new proposals as might alter the details of the principles of the Bill? I think they can, of course, it may be that some of their proposals may require the sanction either of the Governor-General or the Governor, but the machinery created by this House must be allowed to work and work according to their own light, of course, governed by the rule of relevancy which in such a case admits of a wide interpretation.

Mr. A. K. FAZL-UL HUQ: Sir, you will permit me to make my statement clear. There are two stages in each Bill. When an hon'ble member introduces a Bill, we are permitted under the rules to discuss the policy underlying it. It becomes relevant at this stage to question the propriety of the principles of the Bill. If once a Bill is introduced and a member moves that the Bill be referred to a Select Committee, it must be assumed that he accepts the principle underlying the Bill. It is the details that can be considered by the Select Committee.

Mr. PRESIDENT: Mr. Fazl-ul Huq, you forget that the principles of a Bill cannot be discussed on the motion for introduction and that such discussion is permissible only during the consideration stage. So far as the present Bill is concerned, this is the right moment for the House to express its opinion on the principles of the Bill.

Mr. A. K. FAZL-UL HUQ: I accept your ruling, Sir.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, in rising to accord my humble support to the proposal to refer the Bill to a Select Committee, I feel that I must make some remarks to explain the position which I myself and some of my friends on this side of the House desire to take up. Sir, I and some of my friends are as anxious as the Hon'ble Minister and his party and followers to see that free and primary education is introduced into Bengal, and that that introduction takes place as early as possible. We realise, at the same time, that without taxation such a thing is not possible. So we accept the principle, as some of my friends have pointed out, of increased taxation to meet the increased expenditure necessary for introducing free and compulsory primary education in Bengal. Sir, in March last, in this House, when the Hon'ble Minister wanted the permission of the House to withdraw

the Bill which was then before the House, I rose to object to the withdrawal of the same. My idea was that that the Bill should have been made suitable to meet the requirements of the country by means of amendments on the floor of the House. Then I was of opinion that it was not impossible to modify the Bill to such an extent as was absolutely necessary for our requirements. But, Sir, the House in its wisdom allowed the Bill to be withdrawn and the Hon'ble Minister promised us a Government Bill. He has complied with his promise and has brought before us this new Bill for consideration. So far it is all right. I would have been very glad if I and my friends get an opportunity to go and side with the Hon'ble Minister in support of primary education, but unfortunately we find ourselves in fresh difficulty. It has been pointed out to us that the provisions of this Bill have been to a great extent inimical to the present requirements of our country and to the interests of the different sections of the people. My friends, the zamindars, have pointed out to us how the provisions of the Bill very much prejudicially affect them without any justification. It has also been pointed out to us that there is at the present moment an unrest in the country and it is not at all a suitable time for a Bill of new taxation for the country. It has been pointed out by Mr. J. N. Gupta, that there is every likelihood that within the next two years our financial position will improve and that it may be possible without taxing the country to the extent of a crore and a half to find out the money from the provincial funds at the disposal of the Government of Bengal. Besides, we have nearly 500 amendments before us which must be disposed of now if we do not go for a Select Committee. All these points have led us to believe that it would be better to refer the Bill to a Select Committee as has been proposed. In this connection one word more before I conclude. Nobody deplores more than myself the communal character of the discussion and I hope that it may never be too late to save us from the pernicious effect of communal nature in anything connected with primary education.

6-15 p.m.

Maulvi ABUL KASEM: I am sorry I cannot support the motion of my friend in my front. The proposal is that this Bill be referred to a Select Committee. The House has been told repeatedly the past history of the Bill. It has been through two Select Committees, and it has been in fact before the public of Bengal for the last five years, and the people of Bengal, those who take an interest in primary education and those who are very anxious and very keen on the introduction of primary education amongst the masses, have had ample opportunity to study and criticise it, and to forward constructive proposals for carrying them out. As far as I see that whatever opinion has been collected has been circulated to the members of this Council. Now, Sir, my friend in my front has moved that this Bill be referred to a Select Committee

and it has been supported by my distinguished friend Rai Bahadur Dr. Haridhan Dutt. But a Bill is referred to a Select Committee for the purpose of going through its details and examining its provisions so that the Council may have an easy time in passing the report of the Select Committee. My friend the eminent Dr. said that he wanted it to go to a Select Committee on account of the political unrest in the country at the present moment. I think his idea was that this Bill should be dropped at least for the present and taken up at a more opportune moment when there is contentment and peace. We have been told that within the next two or three years our financial difficulties would be removed and we will have a much better financial position to carry on this measure. This can be characterised as a pious hope which will never be fulfilled; the finances of Bengal are not likely to improve in the near future. If we have to prepare ourselves for self-government, if we are sincere in our desire to secure a government for the people, by the people, then we must train the people. If we cannot educate them fully, we must at least make them literate. Therefore, Sir, I say that no useful purpose would be served by referring the Bill to a Select Committee. As I have said the primary object of referring a Bill to a Select Committee is to examine its details and provisions. In this case these have been examined already and a crop of amendments have been sent in. If the Bill is referred to a Select Committee and if I can get a guarantee that the report of the Select Committee will be accepted both by Government and this House, and that there will be no amendments, then I have no objection. But if after the consideration of the Bill in the Select Committee which might take another three months, some 500 or 1,500 amendments come, I do not understand what useful purpose would be served. It will only entail delay. Therefore, I respectfully submit and appeal to the House that if we mean to give primary education to the masses, we must take the matter into consideration in right earnest. So far as I can see the Bill requires no improvement, but if at all, it can be improved by carrying out the amendments. We have been told that the Bill does not provide for immediate compulsory education. The Bill does not make such a provision, because it is not a practical proposal. The Minister in charge of Education has, however, gone so far as to say that primary education will be made free and compulsory within a certain number of years. A scheme has been drawn up and circulated to the members of the Council by the Education Department to show how the scheme is to be carried out. Now, Sir, in opposing this motion I say it is high time that we should take up this matter in right earnest. For the last quarter of a century my countrymen have been crying hoarse for making education free, and now that Government has come forward with a measure we should not let go the oppotunity. Twenty-five years ago we demanded that primary education should be made free, universal and compulsory.

Mr. A. K. FAZL-UL HUQ: On a motion of such importance I feel that I should say a few words to make my own position clear. I wish to say at once that what I am saying now represents my personal views, and do not represent the views of my party. I have never made any secret of the fact that I am bitterly opposed to this Bill, not because I am less anxious than even the Hon'ble Minister himself to see a Bill introduced for primary education in Bengal, but because I feel very strongly that to tax the overtaxed people of Bengal even on such a measure is an act of absolute cruelty to the teeming millions whose interests are in our sacred trust. I have always felt that it is the duty of the members of this Council to think seriously before they saddle Bengal with a fresh taxation, amounting to one crore and twenty-five lakhs of rupees. (A VOICE: A crore and a half.) It is a big sum enough for me, whether it is one crore or two crores. Even since 1921 when I had the honour of going to Simla with Mr. Surendra Nath Mallik, my esteemed friend the Hon'ble Member in charge of Revenue, and the late Sir Surendra Nath Banerji, to discuss with His Excellency the Viceroy the financial position of Bengal with reference to the Meston Settlement, nothing has happened to justify a matter of direct taxation even for the purpose of primary education. I think I am right in saying that there we made a special point of the fact that in the matter of taxation in Bengal we had absolutely come to the end of our tether, and it was not possible for Bengal to find any money by taxation for the purpose of meeting any demand on account of the Meston Settlement. What will be the result if this new tax is imposed on Bengal? As has been pointed out by Mr. Gupta, whether in connection with the revision of the Meston Settlement or with any other settlement that might come into effect in future, Bengal will be faced with the rebuff from the Government of India—"Although you say you cannot raise money by taxation, you raised money to the tune of a crore and 26 lakhs when it suited your purpose." I think the taxation proposed will put those gentlemen who went on deputation to Simla in a false position. I think it is absolutely inequitous on the part of Government to saddle the people with taxation when they themselves are not coming forward to contribute their quota. Where is the country in the world, where is the civilized administration which has not recognised its paramount duty to provide for the education of the masses? It is said that the zamindars have not made any provision. Right enough. But what about the responsibility of the Government itself? We cannot find the money because there are so many highly paid officers who are sucking the life blood of the nation like vampires and we have therefore got a deficit budget. It is a disgrace to the civilized administration that to-day we are faced with the necessity of saddling poor Bengal with a tax amounting to one crore and 26 lakhs. It is for all these reasons that I am opposed to the Bill which saddles the country with taxation.

But the tour of the Hon'ble Minister throughout the Muhammadan districts of Bengal has created such an unprecedented enthusiasm that the feelings of the people have been worked up to fever heat, and even the poor clients who come to me for professional service ask me not to betray the Muhammadan cause by opposing the Bill.

I for one cannot understand how the cause of Primary Education can be the cause either of the Mussalmans or of the Hindus. (Hear, hear.) I feel, Sir, that the cause of Primary Education is as sacred a cause of the Mussalmans as of the Hindus. I therefore found that the position was becoming delicate and that although I was personally opposed to the Bill, I promised the members of my group—and conveyed that promise to the Hon'ble Minister—that I would be prepared to go with him to the lobby. Sir, there are occasions on which if we belong to a certain party we have to surrender our conscience and conscience at times becomes a marketable commodity————

Mr. PRESIDENT: Mr. Fazl-ul Huq, the less you say of it the better. (Laughter.)

Mr. A. K. FAZL-UL HUQ: Then came the list of amendments and I found that there were amendments for circulation, amendments for reference to the Select Committee. Personally, I thought that I need not support the proposals for circulation, because that would certainly be delaying the measure. I know that an evil day would come when once the officials had set their heart on it, Bengal would have Primary Education even by taxation whether she wanted it or not. My friend, Mr. Azizul Haque, says where is the guarantee that there will be no delay and where is the possibility of finding the money. There is certainly no possibility of finding the money because some officials are so mule-headed that they will not listen to any arguments but theirs. I therefore thought that so far as the motions for reference to the Select Committee were concerned, we might reasonably consider them to be very modest requests, not for indefinite postponement but for extending it say by a couple of months or three. The sky will not fall nor the heavens rent asunder if this Bill is not passed on August 30th but on December 30th. All that these gentlemen want is a reference to the Select Committee. Why are such a number of amendments proposed in the names of so many members of this Council? Because there are such difficulties that they have got to be calmly considered. Is it possible to discuss 400 or 500 amendments on the floor of the House, when one member will rise from one corner and another from another corner, and, you, Sir, with your strict interpretation of the rules and procedure will be coming forward every minute to pull us up even in the midst of our speeches. I think these things are better discussed round the table in the Select Committee where members have got the

freedom to talk and discuss and exchange views in any way they like. My feeling is that we should support this motion for Select Committee. There again the question of conscience which I have surrendered comes up. But this time I feel that I cannot oppose these motions for a Select Committee. But what I will do is that I will not exercise my power to vote—I have got the permission of my party to reserve my vote. So far as these motions are concerned, I think, Sir, a position has arisen to-day which, I hope, the Hon'ble Minister will take into consideration. There is no denying the fact that the vast majority of Hindu members—if not all, at any rate, an overwhelming majority of them—are in favour of a reference to the Select Committee. The Muhammadan members seem to be as keen on opposing this motion and having this Bill discussed and passed here and now. Sir, anything that divides the Indian members of this House into two watertight compartments should be most strongly opposed by every one who has the good of the country at heart. (Hear, hear.) I think it is laying down a most dangerous principle if at the present moment the Hon'ble Minister places this Bill on the Statute Book in the teeth of the united opposition of one entire community. A dangerous precedent is also being laid down for the Mussalmans who may be placed in the same position to-morrow. I would ask the Hon'ble Minister who is himself a Muhammadan and the Muhammadan members of this House whether it will really be a triumph to vote down the Hindu members of this House with the help of officials. I do not consider anything a victory at all when it is achieved with the help of official votes (A VOICE: and of Europeans). Though official votes are certainly welcome, you can never rely on them: they are on one side one day and on the other side the next. Therefore, Sir, I appeal to the Hon'ble Minister to reconsider this position, and see whether he cannot accept these modest motions for reference to Select Committee; for, if he does so, we can certainly minimise the period within which the Report can come back. We can also so constitute the Select Committee, with your leave of course, that there will be no acrimonious discussion in the Committee.

My friend, Mr. Abul Kasem, has asked for a guarantee that the report of such a Committee should be unanimous, and that the Council would not be flooded afterwards with numerous amendments. There have been various select committees. Has my friend wanted any guarantees on any previous occasion; then why should guarantees be given on this occasion? If the Committee can be so constituted that there will be very little acrimonious debate, very little dissentient voice, there is every likelihood of there being a unanimous report. Our Hindu friends know very well that this primary education is overdue. I do not for a moment believe that the anxiety of the Government is entirely due to a desire to have primary education in Bengal as a part of their duty. Where were they for the last 150 years? Why did they

not do anything in this respect? My friend has said that it has been pending for the last 25 years. Is that so? I know, Sir, that before the war broke out in the year 1914 Bengal was full of money. I have been a member of this Legislative Council ever since the days of the Minto-Morley Reforms and I remember those days when the Bengal administration used to be carried on with five crores of rupees and now we have come to about eleven crores odd. In those days, Sir, I used to hear Hon'ble Members declare that there was so much money in their hands that they did not know how to spend it. Why was not primary education introduced then? It could have been done perhaps without any taxation. Why have these officials risen now from their long stupor when Bengal is almost bankrupt, when there is no money to be had without this taxation which will mean a ruination of the poor peasantry. My friend, Mr. Travers, talks of the benefits of primary education. Has he ever been into a Bengal village? Does he know that these Bengali peasants are ill-clad, ill-housed and ill-fed, victims to malaria from year to year. There are millions of people who fall a prey every year to preventible diseases. I am afraid, Sir, that by the time this Act comes into operation, the very people for whom primary education is needed will have ceased practically to exist. It is well known, Sir, that when there is poverty in the land, there is a great falling off in the birth-rate and the rate at which the country is becoming poorer and poorer year to year the country will be denuded of small children whom you want to go to school. By the time you get this Act to fructify, there will be a great decrease in the children population. This however is out of consideration at the present moment.

In conclusion, I make an appeal to the Hon'ble Minister, because I feel that if he can win over the Hindu members of the House, there will not only be a smooth working so far as the passage of the Bill is concerned but it will bring about such a close union between the two communities that I am sure the Bill that will emerge from the Council will be a measure of real benefit to the country.

(Here the member, having reached his time-limit, resumed his seat.)

Babu JATINDRA NATH BASU: Sir, I desire only to say a few words. One of the arguments that has been urged against the reference of the Bill to a Select Committee is that there have been other bills about primary education and reports of select committees. Those who have experience of important legislation know that when an important measure is brought before a legislature it does sometimes happen that bills have to be drafted and redrafted and introduced and placed before a legislature and select committees on more than one occasion. For

instance, Sir, since the Calcutta Municipal Bill was introduced into the Council—I believe it was in the year 1918—there have been at least three drafts of that big Bill and that Bill was not passed until the third draft was submitted to a Select Committee. The Bill was ultimately passed in 1923.

Sir, it is admitted that this is an extremly important measure affecting the vital interests of the people. Why is there such a great hurry to rush it through? All the speakers in support of rushing the Bill through have stated that the Bill cannot from the very nature of things be brought into operation for another three or four years. We have had no assurance from the Finance Member that the money required to be contributed by Government will be available soon. There is no provision in the Bill itself, though there has been a statement that the Government will pay, for the payment by Government out of general funds for the training of the teachers, for the inspecting staff and for audit. So all the arguments that have been urged in support of rushing the Bill through show that there is no urgency. If, in the normal course of things, it will not be possible to bring the provisions of the Bill into operation for another three or four years, then where is the urgency, and why deprive the members of the Council, a great many of whom are newly elected, of an opportunity of considering the Bill in detail. It does not show proper regard for the opinion of a considerable section of this House. Government may think that they have a majority behind them and they can ride roughshod over the minority. If they choose to so ignore the minority they are welcome to do so. I cannot but voice the feeling that prevails on this side of the House. I therefore support the motion for reference of the Bill to a Select Committee and I hope that the Hon'ble Minister will see his way to accept it.

Mr. J. CAMPBELL FORRESTER: I beg to move that the question be now put.

Mr. PRESIDENT: As it is a very important matter, I think it will be an infringement of the rights of reasonable debate if I close the debate so abruptly as you seem to suggest.

[At 6-43 p.m. the Council was adjourned for prayers and it reassembled at 7 p.m.]

Mr. B. C. CHATTERJEE: Mr. President, I wish to appeal with all the earnestness that is in me to the Hon'ble Minister in charge of Education not to bury Bengal's freedom under the floor of this House.

Does he realise what he is doing to-day? I ask him with all the earnestness and the faith that I can command: "Does he realise what he is doing to-day in Bengal?" It is quite clear that a great majority of the Hindu members of this House want a reference to this question to a committee. He can of course carry his point against Hindu opposition, but how? By enlisting the votes of non-Bengali voters. Sir, that is not democracy. If a Hindu or a Muhammadan member of the Bengal Government finds that he cannot carry a measure with a majority of the combined votes of Hindus and Muhammadans, but has to rely on the votes of those sojourners, those birds of passage, who would not make India their home, but who come here to make up their pile and retire home—if he is going to do that, what does it mean? It means that Bengal can never have her freedom. You will always have Englishmen ruling over Bengal. To-day they are dictating to you because they are in agreement with you, and to-morrow they will dictate to Hindus if they happen to be in agreement with them. Sir, I appeal to the Hon'ble Minister not to give in to this temptation which has come to try him. I appeal to your patriotism. I ask you————

Mr. PRESIDENT: Please address your remarks to me, Mr. Chatterjee. (Laughter.)

Mr. B. C. CHATTERJEE: I stand properly corrected, Sir. I appeal to my hon'ble friend to my right not to forget that the Reforms Scheme that has been introduced will have no moral or political significance whatsoever unless it makes us Bengalis get out of the vicious circle in which we were in 1757. What would be the difference between the Bengal of 1757 and the Bengal of to-day if the Englishmen were to be the arbiters between Hindus and Muhammadans to-day as they were in 1757? I say further that the Hon'ble Minister should recollect that there is a moral obligation cast upon him by the very Act under which he holds his office of Minister. That Act, even in its limited scope, requires that education should be the people's concern, managed in Bengal by the Hindus and Muhammadans of Bengal, and none else. And now he is going back on the principle which is enunciated in the very Reforms Act—of which he is a creature—by invoking the votes of non-Bengalis in order to defeat his Hindu brethren. I hope he will not do that. I ask him to consider this question overnight in consultation with his conscience, in consultation with members of his community if necessary, and not give in to this temptation, to the siren's voice which is whispering into his ears: "Oh, you will score such a victory against the Bengali Hindus." That will not be victory, that will be defeat; that will be the greatest confession of failure on the part of the Minister, because I say democracy means government by a majority of the people concerned. If you

are going to take advantage of an artificial aid from people who by an historical accident took this country in 1757 and are in occupation of this country since, you are doing a very great wrong to your community, to my community, to Mother India. Let it be noted that my appeal is also to my friend, Mr. Travers, and all the gentlemen of the English community who are here to consider the question. Should they support this measure in the way that the Minister is asking for their support? What are you wanting? Primary education for Bengal. I and all my fellow members of the Hindu community are as anxious, as insistent, about primary education as anybody else could be. We want primary education. We want to see every Bengali—man, woman and child—educated. We have been wanting it for the last half a century, if not longer. But all that we want now is this: since it is going to be a popular measure, since education is a transferred subject, why should you not submit this scheme to a public examination? Why should it come absolutely cut and dry from the brain of the Director of Public Instruction, and be flung at us to take it or leave it? Why should it not be put before the people who are the most vitally concerned with the subject, and not be subjected to their scrutiny, and why should the Director of Public Instruction control the framing of the financial provisions of the Bill? We pay the Director of Public Instruction for the work he does and we must see whether he has done his work rightly or wrongly, and that is why we want a committee. I ask the Minister to impose a time-limit for the committee's investigation. Let him appoint a committee. Let him say that the committee has got to report within a month from the date of the constitution of the committee; we will accede to that. We do not want to ruin his Bill; on the contrary we are as anxious as anybody else in this country to have a Primary Education Bill. I ask Mr Travers and those who are with him not to thwart us in the carrying out of such an object, namely, the reference of this Bill to a select committee with the proviso that the committee must report within 30 days from the formation of the committee. I ask that this matter should be considered or rather re-considered to-night by my friend on the right, and by all his collaborators, by the gentlemen on the Government benches, and especially by my friend, the Hon'ble Minister. And I am sure that if you consider this matter from the point of view of patriotism, which should be the only point of view from which you are entitled to consider a question like this, and from the point of view of justice, you will be convinced that justice requires it, patriotism requires it and fairplay requires it.

Sir, we have been told that the people want the Bill. We cannot keep back the fact that the Hon'ble Minister who hails from Eastern Bengal has toured almost the whole of it in connection with this Bill. It is a very good part of the country, Sir, and I myself belong to it. But why did he go only to Eastern Bengal, inhabited, as it is, by a majority

of his community? Why did he not go to Western Bengal which fills one-half of this province? If you want to carry this measure through against the opposition of the Hindu members, it would be democracy by half only and, Sir, democracy by half is worse than no democracy.

I ask the Hon'ble Minister as a fellow citizen, as a fellow Bengali, as an Indian, not to hurry the measure through, but give his Hindu countrymen an opportunity of considering the matter round a table along with his Muhammadan countrymen, with this proviso that the select committee must present their report within a month's time.

That is my appeal to him and I hope he will not fail to listen to it.

Dr. Sir NILRATAN SIRCAR: I look at this Bill entirely from the view point of an educationalist. The educational question and the allied question of finance are before my mind's eye before any other question that has been introduced in this connection. For instance, I do not see that there is any relevancy in introducing a communal question or the question of the clashing of interests of the tenantry and the landlord in this connection. I think we should all of us clearly keep ourselves away from those pitfalls in the matter of considering this Bill. As regards the necessity of this pre-eminently educational measure upon which depends the basis of the future educational progress as well as progress in other departments of life in Bengal, there cannot be two opinions. But I feel to-night that there is some sort of hurry in certain quarters to push this Bill through without giving sufficient time to those who are deeply interested in education to consider the matter from different points of view. I appeal to you, and also to my fellow members to consider that I am a comparatively new member here, and along with myself there are, I believe, 40 or 42 other members, recently elected to all of whom this Bill is quite a new one. Though the question might have been before the public of Bengal for a long time it is quite a different thing to consider in this House a Bill in that connection in all details, from merely cursorily reading the Bill and its provisions as published in the newspapers. This question, as it has been presented to us to-day, appears to me to be an extremely difficult one with regard to which I confess I require time to consider many of the details before I can make up my mind to vote one way or another. I need not now enter into the details, the various details that have been mentioned by many of my friends, though I feel that the apprehensions that have been raised regarding financial difficulties are real. At the same time we are all ardent supporters of any proposal for the spread of education in this land. We are deeply interested in it and we pray to the Hon'ble Minister and to the House to grant us a little time in the select committee stage so that we may have an opportunity of considering many of these

details cautiously and carefully. To the Hon'ble Minister I have particularly to appeal to try to look eye to eye with men in my position. We are not concerned with the Hindu-Muhammadan question in this connection; we are not concerned in any class interest landlords' or tenants'; we, however, feel very deeply that the progress of educational movement should be unimpeded————

Mr. PRESIDENT: I have to adjourn the Council now and Dr. Sircar may continue his speech to-morrow.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 14th August, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 14th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 119 nominated and elected members.

Mr. PRESIDENT: Order, order. I have two announcements to make. Hon'ble members are aware that a ballot was held yesterday to elect two members to the Public Accounts Committee, and you will be interested to know the names of the members who have been elected. They are Rai Bahadur Dr. Haridhan Dutt and Maulvi Syed Majid Baksh.

The other matter is that in regard to the division which we took the other day on the cut proposed by Mr. Syamaprosad Mookerjee in connection with the Jails grant, Babu Hem Chandra Roy Choudhuri passed both the tellers: he went to both the lobbies, and therefore I have issued instructions that his name should be expunged from both the lists.

Starred Questions

which oral answers were given).

Dacca riots.

*50. **Rai Bahadur KESHAB CHANDRA BANARJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether there were any searches or arrests made in the Dacca city between 22nd May, 1930, and 12th June, 1930, in connection with the recent disturbances? If not why not?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) how many houses were searched within the municipal limits;

(*ii*) how many of them were Hindu houses:

(*iii*) how many were Muhammadan houses;

(*iv*) how many persons were arrested in the city;

(*v*) how many of them were Hindus; and

(*vi*) how many were Muhammadans?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes, many searches and arrests were made.

(*b*) (*i*), (*ii*) and (*iii*) No record was kept.

(*iv*) Four hundred and eighty-six.

(*v*) One hundred and eighty-three.

(*vi*) Three hundred and three.

Police force at Dacca during riots.

*51. **Rai Bahadur KESHAB CHANDRA BANARJI:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing separately—

(*i*) the number of sergeants;

(*ii*) the strength of the ordinary, armed, traffic and reserve police;

(*iii*) the strength of the Auxiliary Force; and

(*iv*) the number of men of the Eastern Bengal Frontier Rifles

that were available at Dacca on the 22nd, 23rd, 24th, 25th and 26th May, 1930?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*), (*ii*) and (*iv*) A statement is laid on the table.

(*iii*) Government have no information about the A. F. I. They were not called for.

Statement referred to in the reply to clauses (i), (ii) and (iv) of starred question No. 51.

	May 22nd.						May 23rd.						May 24th.						May 25th.						May 26th.					
	Inspector.	Sergeant.	Sub-Inspector.	Assistant Sub-Inspector.	Head constable.	Constable.	Inspector.	Sergeant.	Sub-Inspector.	Assistant Sub-Inspector.	Head constable.	Constable.	Inspector.	Sergeant.	Sub-Inspector.	Assistant Sub-Inspector.	Head constable.	Constable.	Inspector.	Sergeant.	Sub-Inspector.	Assistant Sub-Inspector.	Head constable.	Constable.	Inspector.	Sergeant.	Sub-Inspector.	Assistant Sub-Inspector.	Head constable.	Constable.
Eastern Frontier Rifles.	Three Indian officers and 130 other ranks for the period in question.																													
Special Armed Force	1	2	..	..	4	61	..	1	1	.	4	59	..	1	1	..	3	52	..	1	1	..	4	61	1	2	1	..	14	178
Ordinary Reserve ..	..	..	2	2	..	3	..	.	2	2	..	3	..	..	2	2	..	3	..	..	2	2	..	3	..	..	2	2	..	3
Town Police ..	1	3	..	.	28	197	1	3	..	..	27	214	1	3	..	..	27	214	1	3	..	..	27	231	1	3	..	..	27	230
Traffic Police ..	..	..	..	..	2	24	..	..	..	..	2	24	.	.	..	..	2	24	..	..	..	..	2	24	..	..	..	..	2	24
Thana and mobilisation.	..	..	7	8	..	24	..	..	7	8	..	24	..	.	7	8	..	24	..	..	8	12	..	38	1	..	11	16	..	83
Detective Department	..	..	2	1	..	3	..	..	2	1	..	3	..	..	2	1	..	3	.	..	2	1	..	3	1	..	2	1	..	6
Court	1	..	4	3	1	16	1	..	4	3	1	16	1	..	4	3	1	6	1	..	4	3	1	16	1	..	3	3	1	16
Total ..	3	5	16	14	35	328	2	4	16	14	34	343	2	4	16	14	33	326	2	4	17	18	34	376	5	5	20	22	44	540

Board of Examiners to conduct Training examinations for women.

*52. **Mr. S. M. BOSE:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that Government have appointed a Board of Examiners consisting of seven members, five of whom are non-Bengalis, to conduct the Senior and the Junior Training examinations for women?

(*b*) Is the Hon'ble Minister aware that the main functions of this Board of Examiners are—

(*i*) to standardise the question papers (which are all in Bengali);

(*ii*) to supervise the practical work set for these examinations; and

(*iii*) to help in conducting the examinations?

(*c*) Are the Government considering the desirability of reconstituting the Board with five Bengali ladies as its members?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) No.

(*b*) These are the functions of a Board constituted by the Director of Public Instruction. This Board has a majority of Bengalis.

(*c*) No.

Kishoreganj riots.

*53. **Mr. S. M. BOSE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the cause of the recent disturbances in various villages in the subdivision of Kishoreganj in Mymensingh?

(*b*) Is the Hon'ble Member aware that Mr. Burrows, the District Magistrate, stated that the trouble originated owing to the mischievous preachings of some maulvis from Dacca?

(*c*) Is it a fact that the trouble was due to the preaching of Maulvis?

(*d*) Is it a fact that the houses and shops of Hindus only were looted and property destroyed?

(*e*) What steps have been or are being taken to stop the further spread of these outbreaks?

(*f*) Is it a fact that the looting and destruction of property has caused widespread and acute distress in the subdivision?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, are the Government taking for the relief of the distress?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*), (*b*) and (*c*) The causes of the disturbances appear to have been—

(*i*) discontent due to the low price of agricultural produce;

(*ii*) malicious instigation by persons described as maulvis and others who came from Bhawal and Dacca; and

(*iii*) lawlessness due to the civil disobedience movement and propaganda accusing Government of supporting the Muhammadans at Dacca.

(*d*) No.

(*e*) The outbreak was promptly stopped and has not spread.

(*f*) No, but some families have suffered severely.

(*g*) A sum of Rs. 5,000 has been allotted by the District Magistrate for the relief of such families as are, temporarily at least, in very straitened circumstances.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state if any of the persons described as maulvis, who are alleged to have instigated the riots, have been arrested or identified?

The Hon'ble Mr. W. D. R. PRENTICE: Not yet.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (*iii*) that lawlessness was due to the civil disobedience movement, will the Hon'ble Member be pleased to state the basis of the answer?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate's report.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state what was the nature of the malicious instigation referred to in answer (*ii*)?

The Hon'ble Mr. W. D. R. PRENTICE: I forget the exact words, but they were something to the effect that Government would not interfere if lawlessness was resorted to.

Maulvi ABUL KASEM: If no one was either arrested or identified, then on what basis does the Government make the statement that one of the causes of the disturbance appears to have been malicious instigation by persons described as maulvis?

The Hon'ble Mr. W. D. R. PRENTICE: The basis is the District Magistrate's report as well as local descriptions by persons who took part in the riots.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state what steps Government took to contradict the propaganda against Government?

The Hon'ble Mr. W. D. R. PRENTICE: They are endeavouring to discover the source of the propaganda first.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (*iii*), am I to understand that the Hon'ble Member wishes it to be understood that the propaganda accusing Government of supporting the Muhammadans was due to the civil disobedience movement?

Mr. PRESIDENT: That is a matter of opinion. I disallow that question.

Dr. NARESH CHANDRA SEN GUPTA: *Might I explain?*

Mr. PRESIDENT: It is not possible to allow you to argue.

Dr. NARESH CHANDRA SEN GUPTA: Are the promoters of the civil disobedience movement responsible for the propaganda?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say.

Maulvi SYED MAJID BAKSH: Who accused Government of supporting the Muhammadans?

The Hon'ble Mr. W. D. R. PRENTICE: That is the general opinion.

Mr. SYAMAPROSAD MOOKERJEE: With reference to answer (*iii*) that lawlessness was due to propaganda accusing Government of supporting the Muhammadans of Dacca, is there any foundation for it in fact?

The Hon'ble Mr. W. D. R. PRENTICE: None.

Injury received by the wife of Srijut Nagendra Nath Sen at Khulna.

***54. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Is the Hon'ble Member in charge of the Political Department aware that the Superintendent of Police, Khulna, attacked and injured the wife of Srijut Nagendra Nath Sen, ex-Member of the Legislative Council and pleader of Khulna, while she was passing in a procession?

(*b*) If so, what injuries were suffered by the lady?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) Government are aware that a rumour to this effect was spread about. It was false. The lady accidentally received a slight scalp wound while participating in an unlawful assembly, which the police dispersed.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether it is a fact that the lady was admitted to hospital?

The Hon'ble Mr. W. D. R. PRENTICE: I do not remember these details.

Mr. SYAMAPROSAD MOOKERJEE: Will he refresh his memory by referring to the details?

The Hon'ble Mr. W. D. R. PRENTICE: The report is not here, but if the member remembers the discussion on the Police grant, I explained that when the District Magistrate proposed to hold an inquiry into the matter he received a letter from the son of the lady saying that he was not willing to have his mother examined.

Mr. SYAMAPROSAD MOOKERJEE: The question is whether the wound was slight or not, and whether the actual report of the medical examination described the wound as slight.

The Hon'ble Mr. W. D. R. PRENTICE: I have not the medical report with me.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member be pleased to state what sort of slight scalp wound it was?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I am not a medical man. I cannot say.

Number of persons convicted in Midnapore in connection with civil disobedience movement.

*55. **Mr. R. MAITI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing in connection with the present civil disobedience movement—

(*i*) the number of persons arrested in each subdivision in the district of Midnapore;

(*ii*) the number of persons convicted;

(*iii*) the section of the law under which they were convicted;

(*iv*) the period and nature of their sentences; and

(*v*) the classification of prisoners in jail?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Government have no information.

(*ii*) In the whole district 974 persons had been convicted up to 19th July.

(*iii*) Information concerning 786 persons alone is available, and a statement is laid on the table.

(*iv*) and (*v*) The information is not available.

Statement referred to in the reply to clause (iii) of starred question No. 55 showing the sections of the law under which persons were convicted in the district of Midnapore.

Section 117, I.P.C.	30
Section 143, I.P.C.	7
Section 145, I.P.C.	39
Section 147, I.P.C.	3
Section 151, I.P.C.	5
Section 188, I.P.C.	7
Section 283, I.P.C.	11
Section 353, I.P.C.	6
Section 403, I.P.C.	1
Section 447, I.P.C.	9
Section 506, I.P.C.	2
Section 9, Salt Act	269
Section 112, Railway Act	4
Section 19, Police Act	5
Section 29, Police Act	1
Section 17(1), I.C.L.A. Act	208
Section 17(2), I.C.L.A. Act . .	71
Section 107, Cr.P.C.	12
Section 109, Cr.P.C.	41
Ordinance V of 1930	48
Ordinance VI of 1930	7

Office of the Inspector-General of Police.

*56. **Babu HOSENI ROUT:** (*a*) With reference to the reply given to clause (*f*) of starred question No. 9 at the Council Meeting held on the 18th February, 1925, will the Hon'ble Member in charge of the Police Department be pleased to state whether he is aware that several transfers have actually been made and in the case of Chakrapani Mazumdar and Charu Chandra Dutta orders were passed to the effect that their posting should be in particularly unhealthy districts?

(*b*) How many such district transfers also took place from the year 1912?

(*c*) Is the Hon'ble Member aware that since the year 1912 several resignations of clerks took place in the office of the Inspector-General of Police and many clerks were discharged, dismissed and in some cases even no appeals were preferred?

(*d*) If so, how many such cases took place?

(*e*) Will the Hon'ble Member be pleased to lay on the table a statement showing their names and reasons of discharge or dismissal in each case?

(*f*) Is the Hon'ble Member aware that this kind of postings to district, resignations and refusing to appeal after punishment are peculiar to the Inspector-General of Police's office? If not, under what other heads of departments do they occur?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) The information is not available.

(*c*) No.

(*d*) and (*e*) Do not arise.

(*f*) No.

Complaints in connection with Dacca riots.

*57. **Babu SATYENDRA NATH ROY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that instructions were issued by the District Magistrate of Dacca to Subordinate Magistrates there asking them not to take cognisance of complaints in connection with the recent Dacca riots without first referring them to the police?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state for what reasons the instructions were issued?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) A number of complaints were being filed before Magistrates and diverse orders were being passed. Some were referred for inquiry to Subordinate Magistrates, others to the police, in other cases summons was immediately issued and in others non-bailable warrants were issued. To ensure equal treatment and to limit the scope for the pursuit of private revenge the District Magistrate considered it expedient that cases arising out of the riots should be instituted through the police.

Dr. NARESH CHANDRA SEN GUPTA: Has the Hon'ble Member taken legal opinion as to whether this sort of instruction is lawful?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware under what law the District Magistrate can pass such general instructions?

Mr. PRESIDENT: I cannot allow that question. It seeks an expression of opinion on a legal matter.

Babu SATYENDRA NATH ROY: Is the Hon'ble Member aware that Magistrates receiving complaints are always at liberty to deal with such complaints in the manner they like, and that there is no provision in the law interfering with their orders at that particular stage?

The Hon'ble Mr. W. D. R. PRENTICE: I must refer the hon'ble member to the Criminal Procedure Code regarding what happens to complaints?

Picketing of the shop of Ray & Co., Dacca.

*58. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that a few days before the Dacca disturbances the Superintendent of Police of Dacca made an attempt to disperse young men who were picketing at the wine shop of Ray & Co. at Dacca?

(*b*) Is it a fact that when they refused to disperse he threatened to set the Muhammadans on them?

(*c*) If the answers to (*a*) and (*b*) are in the negative, will the Hon'ble Member be pleased to state the authority on which the reply is based?

(*d*) Will the Hon'ble Member be pleased to state whether any evidence of the persons who were present on the occasion has been taken on the question?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Picketers at the shop of Ray & Co., general merchants, were dispersed on several occasions.

(*b*) No.

(*c*) The statement of the Superintendent of Police.

(*d*) Not unless the committee of inquiry examined witnesses.

Simon Commission recommendations and zamindari system.

*59. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether his attention has been drawn to the following resolutions which were passed by the Conference of landholders held in Calcutta on the 13th July, 1930, at the Darbhanga House:—

(*i*) That this Conference is extremely disappointed not to find any recommendation whatsoever in the Report of the Simon Commission leading to perpetuation of the zamindari system in India by promulgation of such measures as may give the landed interests in India substance of British primogeniture or entail system.

(*ii*) That this Conference views with great alarm certain decisions of Court, some remarks in the Report of the Simon Commission and legislations, which have a tendency to adversely affect the permanent settlement and create unrest among the landholders in India at a critical time and the Conference therefore respectfully but strongly advises Government to pacify the landholders of India, who have rightly been called the Pillars of the State by British administrators in the past, by acknowledging in a suitable and tangible manner the inviolability and irrevocable character of the permanent settlement as indicated by the significant word "Permanent" investing as it does, the settlement with the sanctity of an almost treaty right and thereby raising it above ordinary revocable legislations?

(*b*) If the answer to (*a*) is in the affirmative, what action, if any, is proposed to be taken on the same by the Local Government?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) No such resolution was communicated to Government.

(*b*) Does not arise.

Students and the present movement.

*60. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he has expressed any opinion on the recent advice given by the Vice-Chancellor of the Calcutta University to the students for prosecuting their studies in connection with the present movement?

(*b*) Has any letter been addressed to the Vice-Chancellor in that connection either by the Hon'ble Minister personally or from the Government, Education Department?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No.

(*b*) No.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that the Commissioner of Police addressed the Vice-Chancellor of the Calcutta University in this connection?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to lay on the table the communication which was sent to the University?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, in answer to another question which is down for answer to-day, I have said that the correspondence is laid on the table.

Dacca riots.

***61. Rai Bahadur KESHAB CHANDRA BANARJI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the quantity, class and value of the articles looted;

(*ii*) the quantity, class and value of the articles recovered on search during the recent riot at Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Full details are not available but the value may roughly be estimated at 3½ lakhs of rupees.

(*ii*) The details and figures are not available.

Extension of Provident Fund to the employees of the Calcutta Corporation.

***62. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the General Secretary, Calcutta Corporation Employees' Association, forwarded a resolution of the Executive Council of the Association on 31st August, 1927,

requesting the Governor in Council to extend the Provident Fund Act No. XIX of 1925, to the Provident Fund established by the Corporation of Calcutta?

(*b*) Is it a fact that the opinion of the Corporation was sought on the matter?

(*c*) Is it a fact that the Corporation recasted the Provident Fund Rules in the light of the new Act and sent it to the Minister-in-charge, Local Self-Government, in the month of October, 1929?

(*d*) If so, will the Hon'ble Minister be pleased to state whether there is any objection to the rules?

(*e*) Will the Hon'ble Minister be pleased to state when the approval of the Government will be notified in the *Calcutta Gazette*, under section 8 of Act XIX of 1925?

(*f*) If there be objection to any particular rule or rules, are the Government considering the desirability of according this approval to the rest of the rules to avoid any further delay in the matter?

SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. C. W. Curner): (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) No.

(*e*) This has been notified.

(*f*) Does not arise.

Amendment of the Calcutta Municipal Act.

*63. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government is contemplating legislation with a view to amend the Calcutta Municipal Act in regard to its provisions for the election of Councillors belonging to certain communities through separate electorates?

Mr. C. W. CURNER: This is not included in the programme of Government legislation as it now stands.

Kishoreganj riots.

*64. **Rai Bahadur KESHAB CHANDRA BANARJI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing:—

(*i*) the approximate number of Muhammadans who took part in the looting of Hindu houses and shops in the villages in the Kishoreganj subdivision of the district of Mymensingh in connection with the recent disturbances;

(*ii*) the number of Hindu houses plundered; and

(*iii*) the value of the property looted?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) and (*iii*) The District Magistrate reports that it is impossible to give even an approximate estimate.

(*ii*) Nine hundred and ninety-five houses and shops looted and documents taken. Thirty-three shops looted but documents not demanded. Twenty-one houses from which documents were taken without any looting.

Moslem associations at Dacca prior to recent riots.

*65. **Mr. B. C. CHATTERJEE:** Is the Hon'ble Member in charge of the Police Department aware that prior to the recent disturbances, there existed two Moslem associations at Dacca known as the Anjuman and the *Bais panchayet*?

The Hon'ble Mr. W. D. R. PRENTICE: A report received by Government mentions three associations, including the two named in the question.

Accommodation for passengers on deck of the steamers of the Calcutta Steam Navigation Company.

*66. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether the Calcutta Steam Navigation Company have spaces set apart on the deck for use severally by the third class passengers and for carriage of goods?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of drawing the attention of the steamship company to the necessity of allocating space on deck specially for the accommodation of passengers?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) When it is necessary to carry cargo on deck the centre of the deck is used and for each nine superficial feet of space so occupied one passenger is deducted from the maximum number allowed to be carried.

(*b*) Does not arise.

Alleged assault on ambulance workers at Kalikapur.

***67. Dr. Sir NILRATAN SIRCAR:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the ambulance workers at Kalikapur, Bengal, while rendering first aid to the wounded satyagrahis were assaulted by the police on the 15th April, 1930?

(*b*) Is it a fact that the police went inside the camp of the medical volunteers and destroyed medicines and appliances?

(*c*) Is the Hon'ble Member aware that complaints regarding the police assault were made to Their Excellencies the Governor and the Viceroy by the Secretary, Indian Medical Association, Calcutta, requesting urgent inquiries into the matter?

(*d*) Are the Government considering the desirability of taking any action to prevent recurrence of such police outrage on ambulance workers in future?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) No.

(*c*) Hon'ble Member is not aware of such complaints.

(*d*) No.

Unstarred questions

(answers to which were laid on the table).

Process-servers.

68. Maulvi SYED MAJID BAKSH: (*a*) Has the attention of the Hon'ble Member in charge of the Judicial Department been drawn to the fact that process-servers in mufassal courts are deputed to the work of orderly, office peon and night guard, although that is strictly prohibited by the Government in their circulars No. 3460 J.—D., dated the 17th October, 1902, No. 3884 J., dated the 31st October, 1903, and Nos. 6067-91 J.—D., dated the 8th August, 1922?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take in the matter?

(*c*) Will the Hon'ble Member be pleased to state whether office contingencies and cost of stationery that a process-server is to take with him when starting for the interior as laid down in clause (c) of the Rule No. 186, page 79 of the Bengal Practice and Procedure Manual, are always borne by the Government?

(*d*) If the answer to (*c*) is in the negative, will the Hon'ble Member be pleased to state the reason therefor?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) In the intervals between journeys to the mufassal, process-servers are sometimes employed at headquarters in performing duties which would otherwise be done by orderlies and office peons. Process-servers are not ordinarily employed as night guards.

(*b*) It is the policy of Government that in the interests of economy the number of process-servers should be limited to the number necessary to perform the work of serving processes and that office duties should ordinarily be performed by office peons. The application of this policy to the circumstances of a particular district is examined when occasion arises.

(*c*) The necessary forms are supplied at Government expense.

(*d*) Does not arise.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether employment at headquarters is against the rules that are mentioned?

The Hon'ble Mr. W. D. R. PRENTICE: The process-servers are paid for the whole month and Government are fully justified in requiring a full month's work.

Maulvi SYED MAJID BAKSH: The question is whether they are employed against the circulars that are mentioned specifically in the original question?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Maulvi SYED MAJID BAKSH: Does the Hon'ble Member mean by the expression "not ordinarily employed as night guards" that they are sometimes so employed?

The Hon'ble Mr. W. D. R. PRENTICE: When necessity arises.

Maulvi SYED MAJID BAKSH: Is it not according to the answer itself that it is against the rules?

Mr. PRESIDENT: That is no question.

Students and University examinations.

69. Mr. NARENDRA KUMAR BASU: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Commissioner of Police, Calcutta, addressed a communication to the Vice-Chancellor, Calcutta University, regarding a manifesto issued by the latter on behalf of the Syndicate to the students of the University of Calcutta?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a copy of the communication?

(*c*) Has the Hon'ble Minister approved of the communication?

(*d*) If not, what steps has he taken in the matter?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) A copy is laid on the table.

(*c*) It was not seen by him before it was sent, but in his opinion the letter is free from objection.

(*d*) The question does not arise.

Letter referred to in the reply to clause (b) of unstarred question No. 69.

Dated the 6th July, 1930.

DEAR DR. URQUHART,

I understand from the communication, dated the 4th July, 1930, addressed by you on behalf of the Syndicate of the Calcutta University to the students of the University that in case of disturbances or interference with students wishing to attend the forthcoming examinations the Syndicate does not desire the assistance of the police, and consequently accept full responsibility for whatever may take place.

Of course as far as the public thoroughfares are concerned the police will see that traffic proceeds, but beyond this, in deference to the wishes of the Syndicate, they will take no action.

Yours sincerely,

C. A. TEGART,

Commissioner of Police, Calcutta.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that the Commissioner of Police or the police did not act in accordance with the assurance given in the letter of the Commissioner of Police to the Vice-Chancellor?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am not aware of that.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that actually there have been several cases where the police entered into the compound of different colleges unasked for and assaulted the loyal students of those colleges?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The question is so vague that I cannot answer it. What college is referred to?

Mr. SYAMAPROSAD MOOKERJEE: If the Hon'ble Minister wants to know the name of at least one college, I can mention the Ashutosh College where the incident happened only three days ago?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am not aware of it.

Mr. SYAMAPROSAD MOOKERJEE: Is this answer very definite?

Mr. PRESIDENT: I do not allow that question.

Settlement Press employees.

70. Mr. S. M. BOSE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the Settlement Press employees of Jessore, Chittagong, Berhampore and Barisal submitted a memorial to the Hon'ble Member in April last?

(*b*) If so, what action has been taken in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) Government expressed their inability to accede to the prayers contained in the memorial.

Carters' strike in Calcutta.

71. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) how many men were killed during the last carters' strike in Calcutta;

(*ii*) how many of them were carters;

(*iii*) how many of them were amongst the general public;

(*iv*) who gave the orders to fire at them; and

(*v*) whether any inquiry was instituted to find out whether the firing was absolutely necessary and how far the action was justified?

(*b*) If the answer to (*a*) (*v*) is in the negative, will the Hon'ble Member be pleased to state the reasons for not holding an inquiry into the matter?

(*c*) If there was an inquiry, what was its result?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Seven.

(*ii*) Two.

(*iii*) Five.

(*iv*) Mr. F. D. Bartley, Deputy Commissioner of Police.

(*v*) An inquest was held on 11th April by the Coroner and a jury. The unanimous verdict of the jury was that the firing was legal and fully justified.

(*b*) and (*c*) In view of the Coroner's inquest and the jury's verdict no further inquiry was deemed necessary.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether it is the intention of Government to compensate the relatives of the five persons of the general public who lost their lives as the result of firing during the last carters' strike.

The Hon'ble Mr. W. D. R. PRENTICE: In answer to another question I said "no."

Assistant and sub-assistant surgeons under the Director of Public Health.

72. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether he is considering the desirability of making an inquiry regarding the conditions of service of assistant and sub-assistant surgeons working under the Director of Public Health Department, Bengal, on a temporary basis for a large number of years?

(*b*) Are the Government considering the desirability of having a graded service in the Public Health Department?

Mr. C. W. CURNER: (*a*) The position appears to require examination and is understood already to have received the attention of the Director of Public Health.

(*b*) The question will be considered when the report of the Director of Public Health is received.

Posts of Education Secretary and Director of Public Instruction.

73. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the Sadler Commission recommended the amalgamation of the two posts of the Education Secretary and the Director of Public Instruction?

(*b*) Is it a fact that the Bengal Retrenchment Committee also considered the post of the Director of Public Instruction as superfluous?

(*c*) If the replies to (*a*) and (*b*) are in the affirmative, will the Hon'ble Minister be pleased to state whether the Government propose to take any step for the amalgamation?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) The Bengal Retrenchment Committee also favoured amalgamation.

(*c*) No. Government in 1925 decided against amalgamation and it is not proposed to reopen the question now.

Picketing of educational institutions.

74. Nawab KHWAJA HABIBULLAH: Will the Hon'ble Minister in charge of the Education Department be pleased to state what steps, if any, Government contemplate taking to stop picketing of educational institutions and to save the students willing to prosecute their studies from this undesirable molestation?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is for the authorities of educational institutions to take the initiative in protecting willing students from molestation and to call upon Government officers, if necessary, for assistance. Government are satisfied that no other steps are required.

Process-servers.

75. Maulvi MUHAMMAD HOSSAIN: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the process-servers are still now engaged in the duties of orderlies and office peons?

(*b*) Is the Hon'ble Member aware that the process-servers in Bengal do not get any stationery or mileage allowance while travelling in the mufassal?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) In the intervals between journeys to the mufassal, process-servers are sometimes employed at headquarters in performing duties which would otherwise be done by orderlies and office peons.

(*b*) Process-servers are supplied with the forms necessary for their diaries and returns. They do not get mileage allowance.

Amount spent on rural water-supply.

76. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing the amount spent on rural water-supply in Bengal during each of the years 1921-22 to 1929-30—

(*i*) by Government directly,

(*ii*) by district boards, and

(*iii*) by union boards?

Mr. C. W. GURNER: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 76 showing the amount spent on rural water-supply.

Year.	Amount spent by Government.	Amount spent by district boards.	Amount spent by union boards.
1	2	3	4
	Rs.	Rs.	Rs.
1921-22	....	4,38,689	20,613
1922-23	....	4,60,132	35,050
1923-24	....	5,45,138	60,128
1924-25	....	8,05,359	92,138
1925-26	1,93,364	8,36,559	1,83,555
1926-27	2,59,352	7,58,330	2,28,297
1927-28	2,34,844	8,29,564	3,99,002
1928-29	1,09,296	7,11,380	4,78,713
1929-30	3,07,146	....*	....*

*Figures not yet received.

N.B.—After the surrender of Public Works cess to the district boards in 1913, no Government grant was paid to district boards for the improvement of rural water-supply. The figures for the years 1921-22 to 1924-25 under "Amount spent by Government" are therefore nil. From 1925-26 onwards the figures are those for expenditure from the annual provision of Rs. 2,50,000 distributed to District Magistrates.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir. Shall I address the Honble Minister or the Secretary, Local Self-Government Department? Will the Secretary, Local Self-Government Department, be pleased to state whether the sum of Rs. 2,50,000 is solely for the purpose of water-supply?

Mr. C. W. CURNER: Yes.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Secretary, Local Self-Government Department, be pleased to state as to why it is that out of Rs. 12½ lakhs granted in the 5 years 1925-26 to 1929-30, only Rs. 11 lakhs were spent?

Mr. C. W. CURNER: It is due to the difficulty that district officers always find in spending up to the last rupee of the budget provision.

Disturbances in Mymensingh district.

77. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing separately—

(*i*) the number of Hindus, and

(*ii*) the number of Muhammadans

killed in the recent disturbances in the district of Mymensingh?

The Hon'ble Mr. W. D. R. PRENTICE: The numbers killed during the disturbances in Mymensingh district between the 11th and 16th July were—

(*i*) Hindus ... 11

(*ii*) Muhammadans ... 11

Dacca Inquiry Committee.

78. Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) when the report of the Dacca Inquiry Committee is likely to be ready;

(*ii*) whether it will be made available to the public; and

(*iii*) whether the evidence taken by the Committee will also be published?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) It has been ascertained that the Committee hope to have the report ready by the 14th.

(*ii*) Government cannot answer this question until they have seen the report.

(*iii*) No.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether the inquiry conducted by the Dacca Riots Inquiry Committee was a public one?

The Hon'ble Mr. W. D. R. PRENTICE: As far as I know it was mainly public.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state why no statement can be made at the present moment whether the report will be published or not?

The Hon'ble Mr. W. D. R. PRENTICE: It has just been received and I have not read it yet.

Dr. NARESH CHANDRA SEN GUPTA: With reference to the first answer may I ask the Hon'ble Member whether the hope expressed by the committee has yet been realised?

The Hon'ble Mr. W. D. R. PRENTICE: The Chief Secretary informs me that he has just now received the report.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether he considers it necessary to publish the report during the present session of the Council, so that it may be considered and discussed by this House?

The Hon'ble Mr. W. D. R. PRENTICE: I am making every effort to get through it, so that it can be made ready for publication before the session ends.

Provincial Road Board.

79. Mr. E. C. ORMOND: (*a*) With reference to the reply given to starred question No. 90 at the Council Meeting held on the 21st March, 1930, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what sum from the Central Road Fund has actually been received by the Provincial Road Board for the Government of Bengal since the time when the answer above-mentioned was given?

(*b*) In respect of what amount of the monies obtainable from the grant of the Central Road Fund has work been ordered to be done on roads in Bengal?

(*c*) To whom have the orders been given?

(*d*) To whom has the work been entrusted?

(*e*) What is the nature of such work so ordered and on what roads?

(*f*) How much of the amount granted from the Central Road Fund to Bengal has so far been expended?

(*g*) What is the nature of the work which has so far been done for the monies so expended and on what roads?

(*h*) How much of the amount granted from the Central Road Fund to Bengal will be spent during the financial year ending 31st March, 1921?

(*i*) What is the nature of the work which is likely to be done during the financial year ending 31st March, 1931, for such expenditure and on what roads?

(*j*) How much of the amount granted from the Central Road Fund to Bengal will be spent during the financial year ending 31st March, 1932?

(*k*) What is the nature of the work which is likely to be done during the financial year ending 31st March, 1932, for such expenditure and on what roads?

(*l*) Is it not a fact that in respect of many of the roads concerned various local bodies (including district boards and municipalities) are or have previously been responsible for the upkeep of these roads and liable for expenditure of monies from their funds on these roads?

(*m*) Do their previous responsibility and liability still hold good to the previous extent or not?

(*n*) Have such local bodies fulfilled their responsibility and liability in respect of the roads in question?

(*o*) What body is responsible for the execution of the work in respect of which money is allocated from the Central Road Fund?

Mr. C. W. CURNER: (*a*) The Government of India propose to allot Rs. 13,50,000 to Bengal during the current year, but no sum has yet been paid to the Government of Bengal. There is no question of receipt of such sums by the Provincial Road Board, which is a purely advisory body.

(*b*) No such order can be given till funds for expenditure against this grant are voted by the Legislative Council.

(*c*) to (*g*) Do not arise.

(*h*) Budget provision has been asked for Rs. 4,75,000.

(*i*) A statement of the projects for which a grant has been sanctioned by the Government of India is laid on the table. It is too early to say yet how much of the work will be done before the end of March.

(*j*) and (*k*) This depends primarily on the amount of the grant to be made in 1931-32, which is not yet known.

(*l*) Yes.

(*m*) The question is under consideration.

(*n*) Yes; in various degrees.

(*o*) This is under consideration in each case.

Statement referred to in the reply to clause (i) of unstarred question No. 79.

BENGAL PROGRAMME.

Approved with the Government of India, Department of Industries and Labour, Public Works Branch letter No. C-22, dated the 8th July, 1930.

Name of project.	Ultimate total cost.	Five-year programme as approved by Provincial Road Board.	Expenditure, 1930-31.	Nature of work.
1	2	3	4	5
	Rs.	Rs.	Rs.	
1. Calcutta-Jessore Road to Baraset ..	8,83,320	5,00,000	2,00,000	Widening, reconstruction of surface and strengthening bridges.
2. Diamond Harbour Road	6,70,000	6,70,000	2,00,000	Ditto.
3. Grand Trunk Road ..	14,50,000	10,00,000	4,00,000	Ditto.
4. Chittagong-Arracan Trunk Road. ..	10,00,000 (about)*	5,00,000	1,00,000	Bridging only. *(Estimate not completed.)
5. Illambazar-Dubrajpur Road ..	3,50,000	3,50,000	50,000	Reconstruction and bridging Ajoi river.
6. Tangail-Mymensingh Road ..	3,75,000	3,75,000	59,000	Reconstruction, widening and strengthening bridges.
7. Dacca-Narayanganj Road ..	6,64,000	4,50,000	1,00,000	Ditto.
8. Pabna-Ishurdi Road ..	8,10,000	5,00,000	1,00,000	Reconstruction of surface and strengthening of bridges.
9. Magura-Jhenidah-Chuadanga Road ..	3,00,000	3,00,000	50,000	Ditto.
10. Burdwan-Arambagh Road ..	5,00,000	5,00,000	50,000	Construction of new road and partial reconstruction.
Total ..	70,02,320	51,45,000	13,09,000	

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Secretary, Local Self-Government Department, be pleased to state as to whether the Diamond Harbour Road is a Public Works Department road or a district board road?

Mr. C. W. CURNER: The Diamond Harbour Road is a Public Works Department road and is being maintained by the district board of 24-Parganas for ordinary repairs.

Civil guards during riots at Dacca.

80. Mr. ANANDA MOHAN PODDAR: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether any civil guards (special constables) were appointed during the last communal riots in May, 1930, at Dacca?

(*b*) How many civil guards were appointed?

(*c*) How many of them were—

(*1*) Hindus;

(*2*) Muhammadans;

(*3*) Europeans; and

(*4*) Armenians?

(*d*) How the selections were made?

(*e*) How many from—

(*1*) Hindus,

(*2*) Muhammadans,

(*3*) Armenians, and

(*4*) Europeans

were respectively called in for duty?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) Fifty-nine.

(*c*) (*1*) Ten.

(*2*) Thirty-four.

(*3*) Fourteen.

(*4*) One.

(*d*) and (*e*) On the recommendation of the police. All volunteered for service, and no offers were refused.

Mr. W. L. TRAVERS: Will the Hon'ble Member be pleased to state what percentage these figures bear to the total population of different communities?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot say.

Mr. W. L. TRAVERS: Will the Hon'ble Member be pleased to state whether the services of these civil guards were of real value during the disturbance?

The Hon'ble Mr. W. D. R. PRENTICE: I have not yet read the report.

Mr. W. L. TRAVERS: Will the Hon'ble Member be pleased to state whether the European civil guards were on duty in the Indian quarter of the city?

The Hon'ble Mr. W. D. R. PRENTICE: I imagine they were. The riot was not in Ramna but in the Indian quarter of the city.

Mr. W. L. TRAVERS: Will the Hon'ble Member be pleased to state if any public body or association conveyed the thanks of the public to the special constables of different communities for their services?

The Hon'ble Mr. W. D. R. PRENTICE: Not so far as I am aware of.

Mr. W. L. TRAVERS: Will the Hon'ble Member be pleased to state whether the local authorities received any offer of assistance for maintaining public security from any public body or political association?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot answer about public bodies or associations. All the special constables that were employed were volunteers.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether any complaint of unjustified assaults by the civil guards has been brought to his notice?

The Hon'ble Mr. W. D. R. PRENTICE: There is probably one case, but I do not know definitely.

Librarians' Conference.

81. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government of Bengal sent any representatives to attend the Librarians' Conference held in January, 1918, at Lahore?

(*b*) Was any action taken by the Government of Bengal on the report of the Conference published by the Government of India?

(*c*) Has the attention of the Hon'ble Minister been drawn to the resolution adopted by the All-India Library Conference held at the Senate Hall, Calcutta, in December, 1928, in which the Government was requested to make the Imperial Library a copyright library like the British Museum?

(*d*) Have the Government taken any steps to give effect to the proposal?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No.

(*b*) The resolutions of the Conference were communicated to the Director of Public Instruction, Bengal, and to Commissioners of Divisions. No further action was called for.

(*c*) From the letters of the Honorary Secretary of the All-India Library Conference addressed to this Government it does not appear that there was any such resolution.

(*d*) Does not arise.

MUNINDRA DEB RAI MAHASAI: With reference to answer (*b*), will the Hon'ble Minister be pleased to state whether he does not think it desirable to take further action in the matter?

Mr. PRESIDENT: I do not allow that question.

Public libraries.

82. MUNINDRA DEB RAI MAHASAI: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the public libraries in rural areas are often refused grants from the district, local and union boards, for want of any definite ruling authorising these bodies to incur expenditure on public libraries like municipalities?

(*b*) Are the Government considering the desirability of taking steps to remove the anomaly?

Mr. C. W. CURNER: (*a*) Objection in audit to grants to libraries on these grounds has been noticed.

(*b*) The point will be noted for consideration among the proposed amendments of the Acts in question.

MUNINDRA DEB RAI MAHASAI: Will the Secretary, Local Self-Government Department, be pleased to state when the amendments of the Acts in question will come up before this Council?

Mr. C. W. CURNER: I can give no forecast when such legislation will be undertaken.

Accounts of the Calcutta Corporation.

83. Mr. BIJOY PRASAD SINGH ROY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what procedure is followed in auditing the accounts of the Calcutta Corporation?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing rate bills of what amount were found outstanding in the years 1922, 1923, 1924, 1925, 1926, 1927, 1928 and 1929, and why?

(*c*) Have the audit notes of the accounts of the Calcutta Corporation and the comments of the Government thereon been published and placed before the Councillors? If not, why not?

(*d*) Is the Hon'ble Minister aware—

(*i*) that there are discrepancies in the accounts of the Calcutta Corporation; and

(*ii*) that rate bills of large amount are outstanding since the year 1924 and are gradually increasing every year?

(*e*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of inquiring into the matter?

Mr. C. W. CURNER: (*a*) The accounts of the Calcutta Corporation have hitherto been audited by the Accountant-General, Bengal, and the Examiner, Outside Audit, Calcutta, who were appointed ex-officio auditors under section 121 of the Calcutta Municipal Act. Since October, 1929, the Examiner, Outside Audit, has been replaced by the Examiner of Local Accounts, Bengal.

(*b*) Government have no information for the years 1928 and 1929. Information so far as available in audit for the earlier years is given in the statement appended.

(*c*) Government have no information as to the procedure followed by the Calcutta Corporation in this matter but will inquire.

(*d*) (*i*) Some discrepancies have been noticed in audit.

(*ii*) This appears to be the case.

(*e*) Government have been in correspondence with the Corporation about the matter.

Statement referred to in the reply to clause (b) of unstarred question No. 83 showing amounts of outstanding rate bills.

Year.	Assessor's Department.	Collector's Department.	Solicitor's Department.		Total
			(a) Non-decretal	(b) Decretal.	
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs A P	Rs. A. P.
1922 ..	1,38,223 7 6	11,220 13 6	13,132 3 8	8,836 14 10	1,71,413 7 6
1923 ..	1,66,668 13 0	27,929 0 0	18,990 0 6	9,987 0 6	2,23,574 14 0
1924 ..	2,17,002 2 3	53,160 13 0	37,684 0 6	11,788 10 0	3,19,635 9 9
1925 ..	2,18,700 0 0	1,78,700 0 0	79,900 0 0	14,300 0 0	4,91,600 0 0
1926 ..	2,58,914 4 0	2,48,423 9 3	1,02,616 14 0	15,899 15 11	6,25,854 11 2
1927 ..	....	2,72,044 3 8	19,294 0 6	2,33,516 0 6	....

Mr. BIJOY PRASAD SINGH ROY: Will the Secretary, Local Self-Government Department, be pleased to state if the Government proposes to appoint a special officer to inquire into the finances of the Corporation, under the provisions of the Calcutta Municipal Act?

Mr. C. W. GURNER: There is no such proposal before Government at present.

New Dum-Dum municipality.

84. Mr. SAILESWAR SINGH ROY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether he is aware that the Dum-Dum Cantonment was newly created a separate municipality from 1st April, 1929, although a strong representation of respectable gentlemen was made to the Secretary, Local Self-Government, in October, 1928?

(*b*) Is it a fact that the Commissioners were nominated?

(*c*) What are the reasons for not introducing the elective system?

(*d*) Is the Hon'ble Minister aware that two successive chairmen, who were European gentlemen, submitted their resignations and still a European gentleman was appointed a chairman?

(*e*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of introducing elective system into the Dum-Dum municipality at an early date?

Mr. C. W. GURNER: (*a*) Yes.

(*b*) Yes.

(*c*) Administrative convenience with regard particularly to the necessity for constituting the new municipal board from the 1st April, 1929, simultaneously with the establishment of the municipality.

(*d*) Yes.

(*e*) This will require consideration when the term of the present board expires.

New Dum-Dum municipality.

85. Mr. SAILESWAR SINGH ROY: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the new Dum-Dum municipality created in 1929 is bounded on the three sides—north, west and east—by its neighbouring municipality of South Dum-Dum?

(*b*) Is it a fact that the Chairman, South Dum-Dum municipality, strongly protested against the creation of a new municipality on the grounds set forth in his letter No. 535 M., dated the 12th October, 1928, to the Secretary, Government of Bengal (Local Self-Government)?

(*c*) Will the Hon'ble Minister be pleased to state the grounds for rejecting the representation of the South Dum-Dum municipality?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of amalgamating the two municipalities into one?

Mr. C. W. GURNER: (*a*) This is approximately correct.

(*b*) Yes.

(*c*) The balance of advantage was held to lie in forming a separate municipality regard being had particularly to the wishes of the inhabitants of the area and to the financial condition of the South Dum-Dum municipality.

(*d*) No such proposal is at present under consideration.

Riot at Kishoreganj.

86. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) how many Gurkhas and armed police were engaged in checking the riot at Kishoreganj;

(*ii*) in how many places was there shooting; and

(*iii*) how many bullets were used for the purpose?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) 76 Eastern Frontier Rifles and 73 armed police.

(*ii*) At 11 places.

(*iii*) 53 rounds of buckshot and 28 rounds of ball were fired.

Medical schools.

87. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the present policy of the Government on education in medical schools?

(*b*) Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to open more medical schools of the type that are opened now?

(*c*) Are the Government considering the desirability of constituting a committee of officials and non-officials with two representatives of the All-India Medical Licentiates' Association to go through the whole question of opening new or remodelling existing medical schools?

(*d*) If the answer to (*c*) is in the affirmative, what steps, if any, are being taken in the matter?

Mr. C. W. GURNER: (*a*) The present policy of Government aims at having at least one medical school in each division.

(*b*) Medical schools have been opened at Jalpaiguri and Chittagong this year, and the medical school at Barisal will be opened as soon as it is complete. There is no other school under construction at present.

(*c*) This has not been considered.

(*d*) Does not arise.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Secretary, Local Self-Government Department, be pleased to state as to what is the policy of Government in selecting one division in preference to another?

Mr. C. W. CURNER: I do not quite follow the question.

Khan Bahadur Maulvi AZIZUL HAQUE: I want to know why Jalpaiguri and Chittagong only were selected?

Mr. C. W. CURNER: I am not sure of the facts underlying the question.

Director of Public Instruction, Bengal.

88. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government have decided the question of permanently filling the post of the Director of Public Instruction, Bengal?

(*b*) Will the Hon'ble Minister be pleased to state whether there is a chance of Mr. Stapleton's being confirmed in this post?

(*c*) If the answer to (*b*) is in the negative, are the Government considering the desirability of appointing a Moslem officer as Director of Public Instruction?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No.

(*b*) The matter is under consideration.

(*c*) The question does not arise.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state when the question of permanently filling up the post of Director of Public Instruction will be decided?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: In the near future.

Mr. SYAMAPROSAD MOOKERJEE: Will it be during the term of office of the Hon'ble Minister?

Mr. PRESIDENT: That is no question.

3-30 p.m.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether the appointment will be filled during his term of office?

Mr. PRESIDENT: That question is not allowed.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether Mr. E. F. Oaten has definitely resigned?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that there is considerable feeling that the confirmation of Mr. Stapleton as Director of Public Instruction will be against the best interests of the Province?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No, I am not aware of it.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to take this aspect of the question in filling up the appointment?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I will take it into consideration.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to consider the desirability of appointing as a permanent Director of Public Instruction an officer who commands public confidence.

(No answer.)

Petition for establishment of a Muhammadan Marriage Registration office at Muhammadpur in Jessore.

89. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that the people of Muhammadpur police-station submitted a petition to the Magistrate of Jessore for the establishment of a Muhammadan Marriage Registration office at Muhammadpur?

(*b*) What action, if any, has been taken on the said petition?

(*c*) Is it a fact that the Sadar Sub-Registrar of Jessore is against the establishment of such an office?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons given by the said officer against the establishment of the office?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) It was decided to take no action on the petition on the ground that the number of Muhammadan Marriage Registrars in the district was considered high in proportion to the number of registrations and it was undesirable to open a new office.

(*c*) Government are not prepared to disclose the opinion of particular officers.

(*d*) No.

Steamer ships of the River Steam Navigation Company plying between Barisal and Patuakhali and Barisal and Bhowaniganj.

90. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) which steamer ships ply in the Barisal-Bhowaniganj and Barisal-Patuakhali feeder service lines of the River Steam Navigation Company; and

(*ii*) what is the capacity of each of these ships for carrying passengers of each class?

(*b*) Is the Hon'ble Member aware that the number of passengers travelling by those steamers much exceed the number they are certified for?

(*c*) Will the Hon'ble Member be pleased to state whether the Government contemplate making rules providing for the constitution, procedure and function of committees under section 54B of the Inland Steam Vessels Act, 1917, as introduced by the amending Act XIII of 1930?

The Hon'ble Mr. A. MARR: (*a*) (*i*) Barisal-Bhowaniganj—Usually "Robin," "Swift" and "Kulsi."

Barisal-Patuakhali "Vanu" and "Singla."

(*ii*)—

	1st class.	Inter and 3rd class.
"Robin"	... 8	842
"Swift"	... 6	518
"Kulsi"	... 4	696
"Vanu"	... 4	317
"Singla"	... 4	313

(*b*) No.

(*c*) The matter is under consideration.

Process-servers.

91. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Finance Department be pleased to state what decision, if any, has been arrived at by the Government of India with regard to the recommendation of the Bengal Government made in 1922 for granting equitable pensions to the process-servers of Bengal?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): No such recommendation was made to the Government of India.

Muhammadan teachers in the Barasat Government School.

92. Maulvi MUHAMMAD SAADATULLAH: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there are any graduate Muhammadan teachers at present in the Barasat Government School?

(*b*) If so, what is their number?

(*c*) Is it a fact that the post of assistant head master in this school was reserved for Mussalmans?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether this system is adhered to at the time of appointment?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) One.

(*c*) No.

(*d*) Does not arise.

Kishoreganj riot.

93. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it has been ascertained that the cause of the Kishoreganj riot was economic distress?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, the Government propose to take in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) One of the causes was economic distress, due mainly to the low price of jute.

(*b*) Government are carefully watching the general situation but have come to no conclusions as to whether action by them is necessary or possible.

Railway fare for crossing the Mymensingh bridge on the river Brahmaputra.

94. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state the reason for the abnormal charge in railway fare for crossing the Mymensingh bridge on the river Brahmaputra?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): When a railway passes over an expensive bridge a special rate is charged to meet the cost of the bridge. The method usually adopted in such cases is to assume a hypothetical increase in distance, which means that fares are higher than they would otherwise be.

Cess revaluation in Hooghly.

95. Mr. BIJOY PRASAD SINGH ROY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that survey and settlement operations will be taken up in the district of Hooghly during the year 1931-32?

(*b*) Is the Hon'ble Member aware that cess revaluation has just been completed in the district of Hooghly?

(*c*) Will the Hon'ble Member be pleased to state the amounts of road and public works cesses—

(*i*) which used to be collected from the district of Hooghly before the revaluation of cesses; and

(*ii*) which will be collected henceforth?

(*d*) Will the Hon'ble Member be pleased to state whether there will be a revaluation of cesses again after the final publication of the record-of-rights in the district?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state why the revaluation of cesses was undertaken so soon before the survey and settlement works?

(*f*) Will the Hon'ble Member be pleased to state the total expenditure incurred for the revaluation work?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Survey operations have already commenced in the district and settlement operations will begin in October, 1930.

(*b*) The cess revaluation of the district was completed in 1928.

(*c*) (*i*) Rs. 1,52,450.

(*ii*) Rs. 2,00,923.

(*d*) At present a fresh revaluation is not contemplated.

(*e*) Does not arise.

(*f*) Rs. 1,03,020.

Malarious police-stations in Burdwan, Hooghly and Murshidabad.

96. Mr. SAILESWAR SINGH ROY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to name the respective police-stations which Government have classified as being the most malarious in the districts of Burdwan, Hooghly and Murshidabad?

Mr. C. W. GURNER: Government have made no such classification but the statistics laid on the table will give some indication of the relative prevalence of malaria in each of these police-stations.

Statistics referred to in the reply to unstarred question No. 96.

District and thana.	Average fever death-rate per 1,000.	Average malaria death-rate per 1,000.	Average fever index.	Spleen index.
BURDWAN.				
1. Burdwan	25·7	20·2	38·4	46·2
2. Ausgram	24·3	23·5	56·5	..
3. Purbasthali	24·2	22·6	65·0	15·3
4. Galsi	24·1	20·1	57·8	..
5. Kalna	23·7	22·3	56·4	..
6. Khandaghosh	22·5	15·1	70·1	..
7. Bhatar	22·5	20·7	55·2	41·6
8. Koksha	22·1	14·2	56·8	78·5
9. Memari	22·0	13·6	53·0	19·3
10. Jamalpur	21·3	11·6	62·2	..
11. Mangalkote	20·5	17·9	71·6	..
12. Ketugram	20·4	15·7	54·8	..
13. Monteswar	20·0	18·4	57·8	2·1
14. Raina	19·6	12·9	68·1	..
15. Katwa	19·0	15·8	46·7	..
16. Salanpur	18·4	0·2	..	..
17. Faridpur	16·9	6·8	..	9·2
18. Kaniganj	16·6	3·2	29·4	..
19. Barabari	14·5	0·8	..	..
20. Ondal	14·1	4·2	..	..
21. Jamuria	13·5	0·9	..	..
22. Kulti	10·9	1·5	..	..
23. Asansol	5·9	0·1	15·4	..
HOOGHLY.				
1. Ghogat	24·4	22·2	60·2	..
2. Pandua	22·9	21·1	66·7	..
3. Dhaniakhali	20·8	18·8	61·5	50·6
4. Haripal	20·7	17·9	66·6	52·9
5. Belagarh	19·8	18·6	67·6	..
6. Palba	19·4	13·8	75·7	..
7. Singur	18·9	16·6	62·7	28·6

	District and thana.	Average fever death-rate per 1,000.	Average malaria death-rate per 1,000.	Average fever index.	Spleen index.
	HOOGHLY—*concld.*				
8.	Arambagh	18·7	16·2	68·0	..
9.	Mogra	17·8	13·9	44·7	..
10.	Jangipara	17·1	6·7	75·2	..
11.	Tarakeswar	16·8	5·4	52·2	..
12.	Pursura	16·4	13·2	..	..
13.	Khanakul	16·4	15·2	62·3	..
14.	Chanditala	15·0	11·3	58·8	..
15.	Serampore	13·7	7·6	17·7	2·1
16.	Bhadreswar	13·2	0·3	42·7	..
17.	Chinsura	12·1	11·0	22·6	48·9
18.	Uttarpara	4·9	4·2	26·2	6·1
	MURSHIDABAD.				
1.	Murshidabad	30·5	26·5	33·9	..
2.	Hariharpara	29·6	25·6	50·8	..
3.	Berhampore	29·2	25·0	36·8	..
4.	Jiaganj	28·9	24·4	51·6	54·2
5.	Jelangi	27·3	27·2	..	..
6.	Dumkal	27·2	26·7	..	..
7.	Nowada	26·6	22·7	57·0	..
8.	Bhagwangola	26·2	19·1	36·8	73·1
9.	Raninagar	25·5	21·0	..	..
10.	Burwan	23·1	19·0	24·3	23·5
11.	Sagardighi	22·5	12·5	51·9	..
12.	Lalgola	22·3	19·4	33·5	53·0
13.	Suti	22·2	12·3	..	..
14.	Beldangi	22·0	16·2	63·1	..
15.	Nabagram	21·8	10·3	57·3	..
16.	Kandi	20·2	14·6	44·2	..
17.	Shamsherganj	20·1	16·9	41·2	1·0
18.	Bharatpur	20·0	15·6	54·9	36·3
19.	Khargram	18·7	15·2	54·9	36·3
20.	Raghunathganj	17·5	14·5	28·6	1·3

LEGISLATIVE BUSINESS.

Government Bill.

The Bengal (Rural) Primary Education Bill, 1930.

(The discussion on the above Bill was then resumed.)

Dr. Sir NILRATAN SIRCAR: Having regard to the extremely complicated nature of the Bill and to the difficulty of mastering the intricate details connected therewith I find it extremely difficult for me to proceed with their consideration at once. It must be admitted that though the Bill has the same name as the two previous Bills yet it is very different in its details from any of them. I need not enter

into these details here. It is sufficient for my purpose to say that as regards the machinery and also the scheme proposed, the general policy of the Bill, the incidence of taxation on the different classes of population for securing the requisite amount of money and as regards various other matters, this Bill differs considerably from the others that preceded it. It has been admitted in the Statement of Objects and Reasons that this Bill follows closely the relevant Act of Madras. That itself is an admission that it does not follow the other two Bills that were introduced in this Council some time back. So far as I know, in the Mother of Parliaments it is the uniform practice of having all questions of detail considered in committees before they are presented before the whole House for final disposal. There are three sorts of committees there, (1) standing committees in regard to certain Bills, (2) the whole House going into committee in certain circumstances, and (3) the select committees. Here, of course, I do not know whether the practice of having the whole House gone into committee may be adopted or not. My idea is that there is no such provision in the Act. As regards standing committees, the successors of the former day grand committees, we have no such committees here. We naturally expect, therefore, that in a momentous matter like this, a select committee should be appointed for the purpose of considering in detail the various questions that have been raised and that may be raised in this connection. This would not only lighten the labour of the House but would also give the necessary amount of time for making matters smooth with a view to compromise in connection with details. But if the questions are discussed on the floor of the House nobody can think that every question and every detail will receive that amount of time and attention that may be necessary for the solution of the question connected therewith. Now, Sir, under the circumstances, I think that if the mover who has asked for the appointment of a select committee be actually defeated here, we shall think that there is an idea of rushing the Bill through the House without paying any heed to the opinions of those who may differ in their views from those expressed in the Bill. It will be a great injustice to us. We are quite prepared to consider, as I said yesterday, from an educational point of view and from the view-point of finance and we think that unless all the questions connected therewith are thoroughly discussed and settled in a calm atmosphere the difficulty will be great in the administration of the measure later on. I am, therefore, confident that my fellow members will kindly support the proposal for the appointment of a select committee to consider this matter.

Kumar SHIB SHEKHARESWAR RAY: Mr. President, it is both a little difficult and somewhat delicate for a man just out of office to take part in the debate, the subject-matter of which is the cause of his giving up office. Sir, you will perhaps appreciate the feelings

of a man whom circumstances have forced to sever his connection from work which brought him power, prestige and honour, —a work in which he took great interest, and when in spite of the difficulties of the system he was hopeful of rendering some useful service to his motherland. Perhaps, you will further appreciate how strongly he feels on the ground which led him to take such a step.

To any one taking a broad dispassionate view of things, it is apparent that the Primary Education Bill is the crying need of the times and that in the present financial condition of the country a tax—rather a heavy tax—has got to be levied to give effect to the provisions of the Bill and to tax those who are likely to be most benefited by the Act. It goes without saying that such a Bill is assured of the support of Government of the land and of the fair minded Europeans out in this country. It is natural that the educationally backward classes of the country would welcome such a measure even if it imposes a reasonably extra financial burden on them. Mussalmans as a class belong to this category and it does not require much propaganda to rouse their just feelings in the matter. On the other hand, it is quite in keeping with human nature that those who rightly or wrongly feel that the financial burden imposed is not compatible with the amount of benefit which the measure would bring them would try their utmost to oppose such a measure; but, Sir, their opposition is concentrated on the provision of the Bill which deals with taxation. Then again, those who are educationally advanced and in whom the spirit of democracy and nationalism is highly developed would naturally demand that the underlying principles of the Bill should be broad-based on democratic and national foundations. Any other foundation would be repugnant to them and is liable to be vehemently opposed by them. The majority of these two groups come from the Hindus. It will, therefore, be seen that a Bill imposing a heavy financial burden on the landholders and providing for rigid official control is bound to meet with strong opposition from the Hindus as a community though on different grounds from a different section of it. In the circumstances, Sir, it requires tact and statesmanship of the highest order to pilot this Education Bill in a manner which will cause the least resentment to all concerned. Sir, holding the balance as they do, Government and the European members of this Council would be of immense help to the Minister-in-charge to bring about a compromise which, if not satisfactory to all, would at least be not unfair to the majority.

3-45 p.m.

But, as I have said before, this requires a lot of tact, patience and perseverance on the part of the Minister in charge of the Bill. But European and official support being the common factor there is an

easier course to adopt to secure the safe passage of the Bill and that is only with the help of the Moslem members, for the Moslems as a class are in favour of such a measure. New to the field of politics and statesmanship as the Education Minister is, he perhaps was easily tempted to the easier course. From the very beginning, Sir, I have felt that the procedure adopted by the Hon'ble Education Minister to rally the Moslems in order to secure the passage of the Bill through the legislature was liable to be interpreted as being tinged with a communal colour. This is, Sir, what has actually come to pass. The Hindus feel that they have been ignored altogether. They feel that the Education Minister in the safety of the support that has been promised by Government, by European as well as Moslem members of this Council, is riding rough-shod over the feelings of the Hindu community. I felt, Sir, that there was still time to conciliate Hindu feelings by taking them into confidence and referring the Bill to a select committee consisting of a fair number of Hindus, Muhammadans and official members. I appealed to the Education Minister and to the Government to adopt this course but, Sir, to my misfortune I failed. I therefore thought that I should retire from the official benches, and from the floor of the House, as an ordinary member, make one last appeal to the Moslems, to the Europeans and to the Government not to wound unnecessarily the feelings of the Hindus by carrying the Bill in the teeth of their opposition. I appeal to them in the name of the Motherland, in the interests of the Hindus and Mussalmans and in the name of good Government, to agree to refer the Bill to a select committee. Whom the select committee should consist of I leave to the Hon'ble Minister-in-charge and to His Excellency, with whom, under the constitution, he has to share the responsibility for administration, to decide. If the Hon'ble Minister is agreeable, I am sure that you, Sir, will be pleased to accord special permission to bring forward such an amendment before the House.

Mr. C. C. COOPER: I do not propose to make a speech, that is to say, I do not propose to follow up a reasoned argument to a conclusion but there have been references in this House to the position of the European group which I cannot allow to let pass. I very much regret that I missed the speech in which Mr. Fazl-ul Huq explained the working of his conscience but he too, as well as the Hindu members, referred to the incompetence of the European group to judge the present issue. The hon'ble member asked if Mr. Travers had ever lived in a Bengal village that he could speak with authority on the question whether or not the Bengal villager desires primary education. Mr. Travers has lived for some 30 years alongside a Bengal village; he has toured many miles in Bengal and has visited many villages. He has considerable knowledge of the language, I may say of several

languages, and he has a very good understanding of the villager. Mr. Thompson, another member of our group, was a Settlement Officer for 9 years and he has probably visited more villages in Bengal than any member of this House. If these two gentlemen with their experience and knowledge of Bengal and Bengal villagers cannot speak with authority I do not know who can. There are many of us on this side of the House who are large employers of labour. We have talked with our labour. I for myself have done so many a time and I know and can support Mr. Travers in his statement that the villager of Bengal does need and require primary education. The villager has seen the advantage of education and he wants his children to gain this advantage. How it has arisen it is not within my province to inquire, but most unfortunately this Bill has been converted into a bitter communal question. We Europeans sincerely deplore this fact. If only we could stand aside to allow the contending parties to fight the issue out among themselves, we would gladly do so, but, Sir, we dare not let it be said that the Europeans helped to kill, or at least to further delay primary education in Bengal. The argument that because Bengal has waited so long for primary education, it will do no harm to wait a little longer, is as specious as it is false.

We, Europeans, may be Simple Simons led away by an astute Muhammadan, but we are not so simple that we cannot draw our own conclusions from the attitude of the other side. The delay of a year in the passing of this Bill means that approximately 3 lakhs of children lose their chance of learning to read and write. The two years' delay that has already taken place has deprived 6 lakhs of children of their golden opportunity. Whose children are these and who are the party who are advocating a dilatory expedient? Are you surprised that to our simple minds it does look as if the classes who have a monopoly of education are anxious to hold on to that monopoly!

We do not agree with the financial provisions of the Bill. We do not agree with several principles of the Bill, but I emphasise and emphasise very strongly that we, the Europeans, do agree to the great principle of primary education for Bengal. We admit to serious misgivings as to the effect of increased taxation during the present crisis, but we believe that in spite of the very grave economic position (which we all sincerely deplore) there is yet a real demand for this Bill.

We are very conscious of our responsibilities in this vital issue. We have given much thought to every aspect of the case; we have carefully considered each pro and con, and it is our honest opinion that the proposal to refer the Bill to a select committee is a deliberate attempt to wreck the Bill. We cannot allow ourselves to be a party to such wrecking tactics. If we do not oppose this reference to a select

committee, it will be said of us that we helped to kill the Bill. Sir, we the Europeans, cannot, and will not allow ourselves to be placed in such a false position.

I can only think that my hon'ble friend Mr. Chatterjee's love of rhetoric overcame his saner judgment last evening. His reference to us as sojourners in this country does him no credit and is quite unworthy of him. If, as Mr. Chatterjee alleges, we are merely sojourners, why should we support this Bill? We have nothing to gain by it except increased taxation which will be a source of loss to us! Our sole motive in supporting this Bill is because we honestly believe it to be the right thing to do by "The land we live in."

One speaker has not hesitated to turn on us Europeans the swarajists' old gibe that we represent nobody. This time we can answer "*Tu quoque*" Most of the members who are now opposing this Bill would not be here at all if the swarajists had not gone out. The swarajists, had they been here, would not, I believe, have supported another select committee. They as good as said so on the last occasion when this Bill was discussed.

My hon'ble friend spoke yesterday of the Europeans and Muhammadans gaining a glorious victory over the Hindus. I cannot imagine anything more shameful. I most strongly resent such an unfair imputation of our motives. With all the force and emphasis at my command I say such a charge is not true. We want to play the game honestly and fairly by Bengal, and we deplore the most unfair tactics which are being used to deprive the sons of Bengal of primary education. For this reason alone we oppose the reference to a select committee

4 p.m.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, the theme of the last speaker was that primary education should be brought to the sons of Bengal and it is certainly a laudable theme, but when he says that the Hindu members are lacking in any sympathy for the attainment of that goal, he is very much mistaken. The last speaker as well as the Hon'ble Minister for Education seem to think that the Hindu members of this Council are out for wrecking the Bill. I most strongly repudiate the suggestion. The history of Bengal will show conclusively that the Hindus have always tried to give to the people primary education. If the Hon'ble Minister for Education will consider for a moment the state of Bengal in 1757, he will find, if he has read history aright, that the whole face of Bengal was honeycombed with a large number of *pathsalas* and *maktabs*, and these were started by the local landlords and zemindars—both Hindu and Muhammadan. It is only after the Englishmen—I will not say Englishmen but

Britishers—took charge of the country that these *pathsalas* and *maktabs* went out of existence, because the lands which supported them were escheated to the Crown. It is said—and mistakenly said—that the Hindu landlords are specially against the Bill and that they want it to be wrecked. I am not a landlord myself—if I possess anything it is a small piece of land of which I am a cultivating raiyat—but I can say without fear of contradiction that there is not a single Hindu landlord who does not want his tenantry to be educated. The only objection of the landlords is, so far as I understand, to the extent and ratio of taxation, and to the idea of having taxation at the present moment of so huge a character, which comes to very much like 25 per cent. of the total land revenue. There is a world of difference between objecting to certain principles of the Bill and objecting to the Bill itself, and I say that when people say that the landlords and the Hindus are opposed to the Bill itself, they are talking through their hats. This charge is being levelled against the Hindus in order to get the support of some interested persons. I am extremely sorry a communal turn has been given to this question. If my friend, the Hon'ble Minister for Education, were to glance his eyes over another period of the history of Bengal, he would remember that 25 years ago in 1905 what an amount of propaganda was conducted through meetings, addressed by maulvis who were sent out to Eastern Bengal, and the fate of that propaganda. If he had done that he would not have this time been accompanied by maulvis in a tour of Eastern Bengal to carry on propaganda in favour of the Primary Education Bill as it now stands.

Then I will call the Minister's attention to another side of the picture—the so-called pact between a particular member of the popular side of Government and the Government members and nominated members, the implications of which were vividly depicted by Mr. Fazl-ul Huq. I shall not go over it again, but I would certainly say that the Hon'ble Minister would have done well to remember the fate of another pact entered into in 1757 between a highly placed Muhammadan official and the Europeans. I would ask him to remember the final result of that pact, and I say, let not history repeat itself in 1930.

We all know that the villagers want education, but the anxious solicitude of the European members remind one that there is a Bengali saying that she who loves a child more than its mother is a witch. When we hear that Europeans want our boys and girls to be educated but that Hindus do not, we are reminded of that adage.

Khan Bahadur Maulvi AZIZUL HAQUE: Mr. President, Sir, I think it is due to some of us on this side of the House to give expression to our views on this question on the floor of this House. Sir, I do not

think that there has been any other occasion on which the Muhammadan view has been so misrepresented as it has been during the last two days. I have myself no quarrel with the Minister as to what he has done or failed to do. We are not concerned with the activities of Ministers—existing Ministers or ex-Ministers. We are now concerned with a measure which is before the House at the instance of Government, and I believe that it is that point of view which has prompted, so far as this side is concerned, to discuss the merits and demerits of the Bill. I was surprised for the first time to hear that this Bill had been looked upon from the communal standpoint. I dissociate myself entirely from this idea not only on my own behalf but also on behalf of the party to which I have the honour to belong. So far as we are concerned, there never has been any communal feeling with reference to this measure. Might I remind the House that long before the time when democracy and nationalism were talked of, when the Congress was merely a petitioning body, the Mussalmans at an educational conference in Bogra in 1908 demanded primary education for the masses, and were even prepared to be taxed for the purpose. We were not educated then to the extent as we are now. The country was not so advanced at that time as it is to-day, but all the same the demand came from the Mussalmans, who suggested that even if it were not considered possible to tax the entire community, the Mussalmans alone ought to be taxed. That was not a practical proposition, and in spite of the wishes of the Muhammadans to be taxed, the proposal was not accepted by Government, as it was impracticable. I ask those who want to defer the Bill for a few months what constructive proposals they have to make primary education an accomplished fact in the country.

Sir, we hear of constructive programmes for gaining the freedom of our country. I ask is it possible to evolve a constructive programme on the floor of this House? I want to know what practical measures have been taken by the members to bring in a non-official Bill. Has any attempt been made to solve the problem of primary education? This Bill has been before the House with all its defects, with all its iniquitous provisions, with all its retrograde provisions, for the last two or three years. You criticize the Bill, but I want to know have you up till now brought forward any measure which is an improvement on it?

Sir, may I say not only on my own behalf but also on behalf of the party to which I have the honour to belong that we consider that it would be better if a statutory provision could be made for a Government grant. We also recognize that it would have been better if both the rural and urban areas were included in the scope of the Bill. We also should be happy if the constitution of the boards could be democratized. But, Sir, we have to accept the facts as they are.

Bengal is not yet an autonomous province—India has not got its freedom. And till that millennium comes we must be content with the present state of affairs, so that the people at large may not have to go without primary education. There is the official block; there is the European block; there are the representatives of the Hindus, the Muhammadans and various other interests; and it is the duty of every one of us to realize this fact and make the best of a bad bargain. Sir, it is unfortunate that not merely in this measure but in another measure beneficial to the people, we were accused of being communalists. During the last tenancy legislation, the Muhammadan members fought for the cause of the tenants. The Muhammadans who fought for the poor tenants were charged with being not only communal but also having communistic tendencies. It is unfortunate that a similar cry has been raised on this occasion also. I repudiate the charge most emphatically, and I say with reference to the speech of Kumar Shib Shekhareswar Ray that nationalism is not confined to any particular group or people in the country. There are Muhammadans—very large number of Muhammadans—who look at nationalism from their own point of view, never forgetting that this is a country in which they will have to live for years to come with other communities. Their rights are intertwined with the rights of other communities, and their future is intertwined with the future of the Hindu community. But in spite of that they realize that they have got a position of their own in the country, which they must take stock of. But when we discuss a measure, that measure has to be examined not merely from the point of view of any particular class or community but from that of the people as a whole.

Sir, I shall not take up much of your time, but I will reply to Mr. Bijoy Prasad Singh Roy. He said yesterday that in the last Select Committee Hindu opinion was not represented. I ask whether he will try to recollect in his gallant mood that on the last Select Committee there were no less than 15 Hindus, while the number of Muhammadans was only 11. Am I to understand that the members of the Swaraj Party who really hold the most advanced views—more advanced than some of the members here do—and who were on the Select Committee, did not represent Hindu opinion? There was Mr. Subhas Chandra Bose, there was Mr. Naliniranjan Sarkar, there was Dr. Bidhan Chandra Roy, there was Mr. P. N. Guha, and last but not least there was Mr. Bijoy Prasad Singh Roy—all on that Committee. Am I to understand that he would still say that Hindu opinion was not represented. It is better that my friend had not raised this cry.

Sir, I shall say only one word more, and that is as regards the question raised by my friend Mr. Singh Roy about Western Bengal. It is nothing but a calumny to say that the Bill is not popular in Western Bengal as it is in Eastern Bengal. He said that if the

Minister had held a single meeting in West Bengal, he would have realized the depth of feeling against the Bill as it stood. I repudiate this charge against West Bengal. Speaking on behalf of my district, viz., Nadia, which is not so much western as the district of my friend, but which certainly is included in West Bengal. I say that we are not opposed to the principles of the Bill, though we may have some difference of opinion as regards some details. As a matter of fact there are many defects which should be rectified. It were much better if this heat were not introduced, and the measure discussed on its own merits. Then there are the landlords and the tenants who have got different views in the matter, especially the landlords who are proverbially spendthrifts in these matters. It would be far better to discuss the measure on its own merits. So far as the Minister's activities are concerned—what he did in East Bengal or West Bengal or in Calcutta—we have got nothing to do with. We are concerned with this measure. The people are tired of seeing the same Bill over and over again and the time has come when there should be an end to this state of affairs one way or the other. I feel that the Bill should be proceeded with. I do realise that there is a feeling amongst certain sections of my friends of the House, and I do not say that they are not justified, but I hope that they will not look at it from a communal point of view. Whether the Hon'ble Minister is right or wrong I leave it to the Minister to decide. So far as we are concerned we must consider the matter on its own merits.

[At 4-18 p.m. the Council was adjourned for prayer and it reassembled at 4-28 p.m.]

Mr. BIJOY PRASAD SINGH ROY: May I rise on a point of personal explanation? Khan Bahadur Maulvi Azizul Haque has said that in the Select Committee the Hindus were properly represented. Nobody disputes that fact, but I am sorry that my friend has a short memory. There were a sufficient number of Congress members in the first Select Committee, but as the Congress was sitting in Calcutta that year, they did not attend the meeting and they requested the Hon'ble Minister to postpone the meeting of the Select Committee which he refused to do.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am greatly pained to find the turn that the debate on this important and momentous measure has taken. As Khan Bahadur Maulvi Azizul Haque has pointed out, the question is whether on the merits of the Bill it is one which ought to be considered by a Select Committee or by this House. It has been assumed from the benches opposite that whoever has the hardihood to think that there are problems connected with this Bill which can only be properly discussed in a Select Committee,

must necessarily be out to wreck the Bill. I should have thought that the character and antecedents of some of the speakers who have spoken in favour of reference to a Select Committee would have been proof against any such imputation. But our European friends, who seem to take such a great deal of interest in our people and seem to have such a wide knowledge about our people, have not enough knowledge of the condition of the country to know that Sir Nilratan Sircar is not a man who would be out to wreck the Bill. I am no less enthusiastic than the Hon'ble Minister himself or those who have pledged their support to him in the cause of the spread of elementary education. I shall not be one whit less emphatic in my opposition to any proposal which seems to throttle or indefinitely postpone the passing of this Bill, and perhaps, if all attempts to secure a more efficient and adequate measure fail, I shall even be able to persuade myself to swallow this Bill with its numerous defects rather than that the question of primary education should be relegated to the limbo of vague possibilities. I am not one of those, if there be any such, who would press for a Select Committee in the vague hope that it might help in shelving the Bill. But I am out for a real educational measure which will surely and steadily lead to a system of free and compulsory education, and not for mere legislative pyrotechnics to dazzle the eyes of the poor people. And I feel that without important modifications, which can only be made in the Select Committee, the Bill will be a piece of legislative window-dressing; it will be a mere shadow without any substance. The Hon'ble Minister has shown great enthusiasm about the measure: he has taken great pains to make the measure known to the people and win their support. If all that enthusiasm is a real enthusiasm for the cause of primary education, I am sure he will be equally enthusiastic in sending the Bill to such a Select Committee as can be trusted to improve it. For if he thinks that with the present Bill he will be able to carry through the programme of compulsory education in 6, 9 or 12 in even six times six years, he is greatly mistaken. If, on the contrary, he persists in pushing the Bill through, in total disregard of the wishes of the great number of members, the only conclusion I should regretfully draw would be that his enthusiasm and anxiety are not so much for a sound scheme of elementary education as for something which he can show to the people, some achievement which he can flourish as a charter to the gratitude of the people.

I shall point out a few items which it is not possible to settle on the floor of this House. I have already referred to the absence of any provision whatsoever in this Bill for making primary education free and compulsory within a reasonable time. I have referred on a previous occasion to the absence of any provision in the Bill as to what the amount of Government contribution should be. Let us see

how we are going to solve these questions. Take again the question of the central controlling body. All these questions we cannot settle by merely moving amendments in this House and having one speech for each member. These would be matters of delicate negotiations, perhaps long drawn negotiations, as to how far we can make the Government yield, and how far we can make concessions, and those are not negotiations which can be carried on on the floor of this House. Then take the question of the cess. I have tried to discover whether there is any basis on which this cess has been imposed in this Bill. I had a discussion with the Hon'ble Minister and I tried to discover the basis but there seemed to be none except the rule of the thumb. Before a measure of taxation is imposed there are numerous things to be considered. What would be the incidence of the tax on the people, whether they would be able to pay, and what will be the best chance of realisation of the revenue upon which depends the whole edifice of the Bill? I feel there are persons in this province who will be affected by this measure for whom it is impossible to pay an additional cess. Well, Sir, there ought to be some provision for exemptions in the case of persons absolutely too poor to pay. Such exemptions exist in several Acts, but there is none in this Bill, for the simple reason that there are no figures available to the Government upon which you can base any calculations with regard to the incidence of the tax. Is it a matter to be decided by a debate? I think not. It is a matter in which calculations have to be made, consultations have to be held, and we have got to arrive at the absolute bedrock of facts on which we have to base our calculations. These investigations are far too complicated to be carried out on the floor of this House. Then there is the question of ratio. On what basis has this ratio of 1½ pice for the landlords and 3½ pice for the tenants been fixed? The Hon'ble Minister in justifying this ratio said that the Government had fixed one pice for the landlords and four pice for the tenants, and each of the two Select Committees fixed two pice for the landlords. Therefore, as if it is only a question of placating the landlords, as if it is only a question of compromising with the landlords, he imposed 1½ pice on the landlords. I say it is a principle of taxation which would be a revelation to students of public finance. That is not the right way. You have got to consider what would be the most equitable method of adjusting the cesses. It is possible that the materials for arriving at a conclusion with regard to the most equitable method are not available. I made inquiries for certain facts and figures which would be of assistance on this question from the Hon'ble the Revenue Member, and his answer was that those facts and figures were not available. We have no materials on which, as sound economists, we can base the ratio of the taxation upon landlords and tenants. If that is so, what is the way in which we should proceed? Assuming that the tax of 5 pice or 4 pice, as the case may be, is accepted as

valid, what will be the line on which we are to proceed? Then there remains only the rule of the thumb which is 50:50, 2 pice for the landlords and 2 pice for the tenants. That was the proposal which was made by the Select Committee. This is not a matter which can be decided by a mere show of hands or by mere cries of "Ayes" and "Noes" in this Council. It is not a matter of mere voting. It is a matter which can only be discussed in a Select Committee. In answer to that, the Hon'ble Minister has said that there have been two Select Committees already. I do not care if there have been 22. The matter has not been discussed threadbare by the Select Committee and the matter is of vital importance, both to the landlords and tenants, and I think I can speak on behalf of the tenants that, whatever may be said by those who profess to represent the tenants here as to their willingness to pay 3½ pice in the rupee, I know as a matter of fact that many of them are not capable of paying this amount. That being so, it is immaterial that the matter has been discussed by two Select Committees. The point is, has this question been discussed on proper lines? Have we before us the proper materials for coming to a conclusion? I should say no. I am afraid that on this matter the present attitude of Government is one of weariness of discussion. I cannot conceive of a more pernicious frame of mind than that of weariness. It very often happens that when men have been cogitating over a matter for a long time they ultimately come to a stage when they want to get rid of it anyhow.

4-45 p.m.

That is an attitude of mind in which men do the least wise things —I should say, the most foolish things. The Hon'ble Minister has referred to the Bengal Tenancy Act which, after going through several committees came before this Council and was discussed clause by clause on the floor of the House. I wish the Hon'ble Minister were happier in the choice of a precedent. For those who have to assist the administration of the Bengal Tenancy Act and those who have been affected by the Act know that the result of the amendments which were carried pell-mell on the floor of the House has been disastrous and has brought about an absolute chaos. Within a year of the passing of the Act several amendments had to be brought forward, and numerous cuts were proposed in the last session of the House in order to draw attention to certain difficulties in the administration of the new clauses of the Bill. I could cite many instances of defects in the Act itself from my experience in my profession. It shows that the Act has been an extremely clumsy one. When we are going to build the fabric of universal elementary education in our country, we do not propose to build upon a clumsy foundation. I hope, therefore, that looking at the question on the merits, the Hon'ble Minister

will yet agree to refer the Bill to the Select Committee, a Select Committee consisting of persons who can be trusted to be absolutely in sympathy with the object of the Bill and who can be trusted to improve it and to make it better for the purpose of making education free and compulsory in the country. Well, Sir————

(At this stage the member, having reached the time-limit, had to resume his seat.)

Mr. C. C. COOPER: I beg to move, Sir, that the question be now put.

(At this stage the Hon'ble Mr. Khwaja Nazimuddin rose to reply, and Maulvi Abdus Samad also wanted to address the Council.)

Mr. PRESIDENT: I have already called upon Maulvi Abdus Samad to speak and after he has concluded the Hon'ble Minister might reply.

Maulvi ABDUS SAMAD: Mr. President, Sir, I do no less deplore than Dr. Sen Gupta, the previous speaker, the turn which the debate has taken. Sir, there is nothing communal in the matter. But unfortunately the debate has taken a communal turn which it should not have taken. Whether good or bad, the Hindus and Moslems would be equally affected by the provisions of the Bill when enacted into law. So the question should be considered dispassionately and on its own merits. Now, there is one very important factor which the supporters of the motion seem to have lost sight of. The present Bill stands on quite a different footing from a Bill which is introduced for the first time in the Council. A Primary Education Bill was first introduced in the Council in 1928. It was widely circulated for public opinion and referred to a Select Committee. The Select Committee met and submitted its report. But the fate of the Bill was sealed with the fate of the Ministry.

Then, the Bill was again introduced in the Council in 1929 with the report of the Select Committee and it was again referred to a Select Committee, consisting of about 50 members of this House. We all know how the action of the House in selecting such a huge committee was adversely commented upon in the press. This Bill, as amended and modified by the Second Select Committee, was to be considered at the last session of the Council. But the Hon'ble Minister in charge of the Bill, for reasons best known to himself, in spite of the opposition of the elected representatives of the people, withdrew the Bill with a promise to re-introduce it at the present session of the Council. The Hon'ble Minister, in pursuance of his promise, has introduced the present Bill for our consideration. Now the question is whether this Bill should again go to a Select Committee. I have carefully gone

through the provisions of this Bill and I must admit that in spite of its various defects and drawbacks it is decidedly an improvement upon the previous Bills. In my opinion, there is no necessity of referring the Bill again to a Select Committee. The reports of the previous Select Committees are before us. We can take advantage of these reports and modify and improve upon the provisions of the Bill on the lines suggested in these reports; or we may do so independently of these reports by pressing the various amendments standing in the names of the hon'ble members. Sir, it is admitted that legislation for the extension of primary education is absolutely necessary and is long overdue. If that be so, why should we put off the matter to a future date, specially when, in view of what I have stated above, the necessity for referring the Bill to a Select Committee does not appear to me to be at all convincing?

Now, Sir, the question is whether in view of the strong sentiments expressed by the supporters of the motion we should agree to the Bill being referred to a Select Committee. I have heard with wrapt attention the arguments advanced by Maulvi Fazl-ul Huq and the subsequent speakers. Rightly or wrongly they believe that the interests of the country would be better served if the Bill be referred to a Select Committee. I do not doubt the sincerity of their purpose. I believe they are actuated by the best of motives. The idea of introducing compulsory primary education in the country originated with Hindu nationalist leaders and it is they who have ever since been pressing for the same from the press and public platforms. The successful operation of the provisions of the Bill, when passed into law, would largely depend upon the amount of co-operation and support that would be received from the Hindu community. So, for the sake of the larger interests of the country and for the maintenance of unity and good relations that subsist between the Hindu and Moslem members of this Council, I would appeal to the Hon'ble Minister in charge of the Bill to respect the sentiments of the Hindu members and agree to their proposal. But, Sir, in case the Hon'ble Minister cannot see his way to agree to the proposal and the motion is pressed for a division, I and my party members, by virtue of the mandate received from my community, shall be compelled to go to the "No" lobby and vote against the motion.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, it is a matter of great regret that a communal turn has been given to this question. I have always believed in the Bill and it is my honest conviction that this Bill is in the interests of the people of Bengal and it will mean the salvation of the people of Bengal, not only the tenants, but the Moslems, the Hindus, the zamindars and the middle class men. This is my honest conviction and on that basis I have taken steps to see that this Bill is

enacted into law as soon as possible. Sir, I was in favour of this Bill before I was placed in charge of Education. I may tell the House that when the Bill was introduced by the late Mr. McAlpin, and this very question whether the Bill should be taken into consideration or referred to a Select Committee was being decided, five Moslem members including myself waited on a deputation on the then member in charge and suggested that if the ratio be altered to three and two, the Mussalmans would cordially support the consideration of the Bill and oppose reference to the Select Committee. After I have been placed in charge of Education, I naturally have been more interested in this Bill, and, as I said before, I repeat again, that it is my honest and sincere conviction that this Bill is in the interest of the people of Bengal and not of one particular community. Sir, at this stage I would refer only very briefly to the statement made by my late colleague, Kumar Shib Shekhareswar Ray. I accept his statement that I am an inexperienced Minister and quite new to politics, and I admit that the Kumar Sahib is an experienced, intelligent and veteran politician. My only regret is that in my mad career through Bengal when, according to him, I was raising the communal question, I never received a word of warning as to the way in which I was going on. I received no warning, never a hint, that I was doing something that may lead me to trouble. No suggestion was ever made, until 24 hours before the question was going to be taken into consideration, that I had done anything which was not accepted by every member of the Government, Indian or European. I will leave it at that.

Sir, I most emphatically repudiate the suggestion that I have in any way made this a communal question. During my tour I have addressed over a dozen public meetings and I challenged anybody to say that even by a word I have even suggested that this question can be interpreted in any way as a communal one—there was nothing communal in it. I go further than that and I say that I have scrupulously avoided making any reference to anything which might lead to differences between one class and another, zamindars and tenants, money-lenders and those who borrow money. I have appealed to them purely on the ground that the measure was absolutely necessary for Bengal. If you want dominion status or responsible Government, then your illiterate people must become literate. Otherwise responsible Government has no meaning.

Sir, I fully appreciate the appeal made to me by various members, e.g., Mr. B. C. Chatterjee, Rai Bahadur Haridhan Dutt and others, assuring me that they are not in favour of wrecking the Bill, and that as they want time for consideration it should be referred to a Select Committee. I also admit that they are quite *bona fide* in their desire for reference to a Select Committee. But, Sir, the reason why I cannot accept their suggestion requires some explanation and that may elucidate

the reason how this has been made a communal question. There is a strong group of influential members in this House who are definitely opposed to the Bill—and I advisedly do not say primary education. In the abstract they are all agreed that primary education is necessary, but the Bill which was introduced two years ago and the one now introduced are being definitely opposed by a section of this House. That section has challenged me and threatened me and even made tempting offers to me guaranteeing the Ministry against all attacks. That group made a systematic attack to checkmate me and to stop the passing of this Bill. They have taken step after step to thwart me and when they found that there was no way of stopping this Bill they raised the communal issue. The only way that they can stop the passing of the Bill is by raising the communal question and thus those gentlemen who on principle were not against this Bill and who are not directly interested in it, in any way, have now been made to go against it. My friend Mr. N. K. Basu has let the cat out of the bag, namely, that the zamindars do not object in abstract principle to primary education but what they object to is the taxation. That is what they object to. It is my friend Dr. Naresh Chandra Sen Gupta————

5 p.m.

Mr. NARENDRA KUMAR BASU: On a point of personal explanation. I never said that zamindars object to the taxation. I said that they objected to the ratio of the taxation.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I accept the correction. I am sorry I misinterpreted him.

It is my friend Dr. Naresh Chandra Sen Gupta who has provided me with another reason why I cannot accept a Select Committee. I quite admit that the points that have been raised by him one by one have been issues before the Department of Education for the last four years and not one of them is new as Dr. Sen Gupta thinks. The question of ratio, the question of realisation by cess, the question of executive powers for the central committee and the question of its being made compulsory within a fixed period—all these questions have been discussed not only in the two select committees, not only in this Council, but for the last four years by the best brains of Government. (Hear, hear.) Yes, they are the experts. (Hear, hear.) The best brains of Bengal in the two Select Committees also considered and deliberated upon all the issues that have been raised by Dr. Sen Gupta; every one of them was gone into minutely and accepted. The question of the realisation of taxes by cess was accepted by the Council, the question of the ratio was also accepted. The two Select Committees were divided on the question whether there should be executive powers for the Central Committee or not. That is the very reason why I am not prepared to accept a Select

Committee, because we will be going over the whole question again and points will be raised on which the Government have come to a definite conclusion that they are not prepared to accept any modification on these questions. The question of executive power for the Central Committee is one which they have definitely decided and I think that this House is also committed to that, because on the last occasion when I placed this Bill before the House I asked the House not to accept the principle of executive power for the Central Committee. I do not want to go into the reasons why we are against it and although there are many good reasons I gave only some of them at the time when Mr. McAlpin's Bill was withdrawn. I say these are the questions which have been definitely considered and rejected and if we go to the Select Committee again there will be one of two alternatives, namely, that the questions raised by Dr. Sen Gupta may be carried or rejected. If carried, the Bill will be shelved; if rejected, we will again be faced with 500 amendments and will have to traverse the whole field over again. The select committee as enunciated by Dr. Nilratan Sircar will, I admit, deal with questions of detail but I ask this House to let us go into these details here instead of in a purdah committee, to let us discuss those details before everybody.

I make another offer to those who are now asking for a Select Committee. I make this offer specially in view of the appeal made by Mr. B. C. Chatterjee who wanted to discuss across the table. I offer this that if my motion is carried, most probably the amendments will not be taken up till the 22nd and during these eight or nine days I am prepared and I shall be glad to meet the representatives of all important groups across the table early in the morning and if they like after the Council or late at night and discuss with them across the table each amendment one by one and I can assure them that I will try my level best to be sympathetic to all those amendments that are reasonable and acceptable. (Hear, hear.) I admit it may be said that it is not possible to deal with 500 amendments in this fashion. These 500 amendments are really based on three or four principles and once those principles are decided across the table these 500 amendments will dwindle into 15 or 25. Therefore it is a practical and reasonable proposal for those who want to discuss it across the table. We will have eight or nine days and we can discuss these questions as much as we like and we may be able to come to some agreement. It would be a great pity if this Bill is carried in the manner in which it may be necessary to carry it, but I would like the other parties to help me with their advice as regards details and as regards the amendments, but at the same time I must state clearly that there is a reasonable apprehension in my mind that if this Bill is referred to a Select Committee the Bill will most probably be shelved. I am not in a position to state how it will be done but this very keenness for time—for at least one month—makes me suspect that

there is a plan by which this Bill may be shelved. This is a technical demand—the demand for a Select Committee. On the other hand I am prepared to give them the same facility as they will get in the Select Committee and I appeal to every member of the House in the name of Bengal, in the fair name of the civilization of Bengal on which there is a big blot—the blot of illiteracy—to let us try to remove it. I appeal to this House not to consider this question as a communal one but to realise that this Bill is meant for the poor of all classes; Muhammadans, Hindus and the depressed classes are interested in this. It will benefit everyone of them and I appeal to this House in the name of all to be just and fair and to support my motion.

Babu JATINDRA NATH BASU: The offer made by the Hon'ble Minister of Education does not carry the question any further than where it was before he made that offer. As he knows there has been talk across the table but the result has been nothing. For the Select Committee there is a statutory provision but there is no statutory provision for such talks and such talks result in nothing when one is of a definite turn of mind. Having regard to the decision of the Hon'ble Minister of Education the Bill, which is admittedly of great importance and is of a complicated character, should in the first instance be carefully examined in Select Committee, a great many members of this House, many of whom were elected in February or March last, are of opinion that they are being deprived of the usual opportunity of a detailed consideration of a question which vitally affects the interests of the people. They feel that under the circumstances they cannot usefully contribute to the discussion of this Bill. They will, therefore, withdraw from this House during such discussion. In so leaving the floor of this House I may assure you that we mean no disrespect to the Chair.

(At this stage about 50 elected Hindu members walked out of the Council Chamber.)

Mr. PRESIDENT: Gentlemen of the Council, I very much regret to find that a very serious situation, almost a crisis, has been created by the withdrawal of all the Hindu members from this House. The Chair has got to see that the work of the majority is not hampered and that the minority gets a fair hearing and is able to bring forward its view points in regard to all matters.

Suggestions have been thrown out by the ex-Minister, Kumar Shib Shekhareswar Ray, that a serious attempt should be made to effect a compromise. Similar suggestions have been made, if I am not mistaken, by Mr. Cooper on behalf of the European group, which rendered excellent services, when the Tenancy Bill was on the anvil. The Hon'ble Minister also indicated that he is willing to meet all the members to try to effect a compromise.

In these circumsfances, I think it clearly the duty of the Chair to adjourn this meeting to enable the Minister, Mr. Cooper and others to exert their utmost to bring about a peaceful compromise. The question is a very important one and I have no manner of doubt, that the House would like the matter to proceed on lines of least resistance and that no community as a whole should be altogether ignored. But that is not for me to dilate upon. I can only pave the way for what I may call a peaceful solution. I, therefore, adjourn the House till 3 p.m to-morrow. I may add that I do not thereby retard the progress of the Bill in the strict sense of the term as we do not take up Government business till the 21st. At the same time, it is my plain duty to say that if those who have walked out do not fall into line with the majority by compromise, or the majority fails to effect such a compromise, the Chair shall see that the House may proceed with its normal work.

Adjournment.

The Council was then adjourned till 3 p.m., on Friday, the 15th August, 1930, at the Town Hall Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 15th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 111 nominated and elected members.

Starred Questions

(to which oral answers were given).

Satkania and Patiya munsifs.

*68. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is in the contemplation of Government to remove the Munsifs' Courts from Satkania and Patiya to the Sadar, Chittagong, after the completion of the Chittagong-Akyab Railway line?

(*b*) Will the Hon'ble Member be pleased to state the distances of Gohira in police-station Anwara from the Munsif's Court at Patiya, and Puichari and Sanua from the Munsif's Court at Satkania?

(*c*) Is it a fact that one has to cross river to reach the above Munsifs' Courts?

(*d*) Is it a fact that there is no District Board road leading to the courts?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) No.

(*b*) The distance from Gohira to Patiya Court is 21 miles by road and 25 miles by river. The distances from Puichari and Sanua to Satkania courts are 25 and 30 miles respectively by road.

(*c*) Yes.

(*d*) There are no District Board roads leading to the court direct from Gohira. The people of Sanua, which is just to the west of Puichari and Chambal, take the District Board road from Puichari or Chambal and reach Satkania by the District Board road via Chandpur.

Appeal rules in the Police Department.

*88. **Babu HOSENI ROUT:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Government of India resolution No. 60—1682, dated Simla, the 13th November, 1886, and the rules as dictated by the Hon'ble Member at the Council meeting held on the 18th February, 1925, in reply to starred question No. IX have been systematically followed after 1912 in the Police Department?

(*b*) If not, will the Hon'ble Member be pleased to state the instances during the above period in which the rules and orders above referred to have not been strictly observed in that department?

(*c*) Is the Hon'ble Member aware that in some cases the appeal rules have not been correctly observed after 1912?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state in how many instances they have been violated?

(*e*) Will the Hon'ble Member be pleased to state whether the cases, in which appeal rules have been violated, have been finally closed?

(*f*) If not, are the Government considering the desirability of reopening those cases?

(*g*) Will the Hon'ble Member be pleased to state whether there is any case in which the aggrieved Government servant has been trying to reopen his case on the ground of such irregularity?

(*h*) What was the general rule observed in 1912 in the case of such aggrieved Government servants praying for an interview with the higher authorities in the Police Department, the Chief Secretary, and the Hon'ble Member in charge of the department?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) So far as Government are aware the rules in force, which have varied from time to time, have been systematically followed in the Police Department both before and after 1912.

(*b*) Does not arise.

(*c*) No.

(*d*), (*e*) and (*f*) Do not arise.

(*g*) One.

(*h*) No rule on this point can be traced.

Observation of rules by the prisoners and undertrial prisoners in the jail.

***70. Maulvi ABDUL HAKIM:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) whether it is a fact that when the Superintendent or other superior officers of the Jail Department visit the prisoners in the jail the latter are required to stand up and salute the officers saying "Sarkar Salam";

(*ii*) whether the undertrial or convicted political prisoners are also required to do so, and any violation of it makes the offender punishable; and

(*iii*) whether there has been any such case and any punishment inflicted upon any prisoner in the Mymensingh Jail in June and July, 1930?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) The attention of the member is invited to Jail Code rule 646 as recently amended, and to rule 29 of Chapter XXXIV of the Jail Code Rules as recently amended.

(*ii*) Undertrial prisoners are ordinarily ordered to stand up and stand to attention in the usual manner. As regards convicted prisoners the member is referred to the answer to (*i*) above. Violation of jail rules and disobedience to orders render prisoners liable to punishment.

(*iii*) I have no information.

Manufacture of salt in Contai and Diamond Harbour.

***71. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state whether it is a fact that the employees of the Excise Department assaulted innocent people as well as salt manufacturers particularly in the Contai subdivision of Midnapore and at Neela and Rajarampur centres of the Diamond Harbour subdivision?

(*b*) What instructions were issued in this connection from higher authorities?

(*c*) Will the Hon'ble Minister be pleased to state what steps, if any, he has taken in the matter?

MINISTER in charge of AGRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Farooqui): (*a*) No assaults were made on innocent people by officers of the Excise Department either in the localities mentioned or elsewhere.

(*b*) The instructions were that salt illicitly manufactured should be seized by officers of the department.

(*c*) Does not arise.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state what is the source of information that innocent people were not assaulted by officers of Government?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: Report from the Excise staff.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to state whether any assaults were made on any person—not innocent persons as mentioned in the answer?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: Not that I am aware of.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether the only inquiry made was from the officers of the Excise Department?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: We have no information other than that derived from local officers.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether inquiry was made from anybody else and I repeat that question?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: We have no information beyond that.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state if he is aware that a telegram was sent by me to the then Minister-in-charge for an inquiry into the matter and a reply to that telegram was received by me under the signature of Mr. Hogg threatening me to substantiate (in case an inquiry was made) the charges made by me?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: A telegram was received and a reply was sent immediately after its receipt.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state if he is aware that at Subarna Dighi Babu Bimal Chandra Bose, an Excise Inspector, in the presence of the members of the Inquiry Committee, assaulted several persons with a stick?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Government is not aware of that.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether he thinks an inquiry into this allegation necessary?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: If any specific instance is brought to notice, Government will make an inquiry.

Babu JATINDRA NATH BASU: Do we understand that the Hon'ble Minister will make an inquiry if specific instances are brought to his notice?

Mr. PRESIDENT: The Hon'ble Minister has already given that assurance.

Unstarred Questions

(answers to which were laid on the table).

Appointment of munsifs from depressed classes.

97. Babu LALIT KUMAR BAL: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state how many munsifs have been appointed up till now from the depressed classes of Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to make any appointment of munsif from the depressed classes in the near future?

(*c*) If so, when?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The information is not readily available.

(*b*) and (*c*) The claims of a candidate based on the ground that he belongs to a depressed class, have been, and will be, considered, when put forward.

Muhammadan holidays observed in Civil Courts.

98. Babu HARIBANSA ROY: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of Muhammadan holidays observed in the Civil Courts in Bengal in the years 1919 and 1929?

(*b*) Is it a fact that the number of such holidays has been recently reduced?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

(*d*) Is the Hon'ble Member aware that Muhammadan officers and clerks in the courts are given additional holidays for some of these festivals?

(*e*) Is the Hon'ble Member aware that this arrangement causes hardship to the litigant public who may have on these holidays cases in the courts to which these officers and clerks are attached?

(*f*) Are the Government considering the desirability of extending the benefit of these holidays to the litigant public as well?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) In 1919 the number of Muhammadan holidays observed as general Civil Court holidays was 12. In 1929 the number of Muhammadan holidays observed as general Civil Court holidays was 6 and six additional holidays were allowed to Muhammadan officials only, during the year.

(*b*) Yes: the number of general holidays was reduced.

(*c*) In acceptance of the views of the Bengal Retrenchment Committee.

(*d*) Yes.

(*e*) No.

(*f*) No.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state whether the additional holidays for Muhammadan officers are to be considered holidays for the Muhammadan litigant public?

The Hon'ble Mr. W. D. R. PRENTICE: That is their choice.

Muhammadan ministerial officers in Civil Courts, 24-Parganas.

99. Maulvi MUHAMMAD SAADATULLAH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing the present number of Mussalman and Hindu ministerial officers (separately) in the Civil Courts of the district of the 24-Parganas?

(*b*) Is it a fact that the percentage of Mussalman appointments in the Civil Courts of the said district is less than what the Government circular directs?

(*c*) If so, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) A statement is placed on the table.

(*b*) Yes.

(*c*) Under section 30 of the Civil Courts Act, the appointing authority is the District Judge. The Local Government can only make suggestions as to the principles to be followed. The number of Muhammadan officers in the district has been increased from 12 to 43 in the last ten years, and the District Judge has promised to pay special attention to this matter when any vacancy is to be filled up.

Statement referred to in the reply to clause (a) of unstarred question No. 99.

TOTAL STRENGTH OF THE MINISTERIAL OFFICERS IN THE CIVIL COURTS, 24-PARGANAS, ON 1ST AUGUST, 1930.

		Non-Muhammadan.	Muhammadan.
Permanent	.. ..	182	36
Temporary	.. ..	17	7
	Total ..	199	43
		242	

Solicitors' examination.

100. Babu PROFULLA KUMAR GUHA: Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government are considering the desirability of recommending to the Hon'ble the Chief Justice for—

(*i*) conducting the Solicitors' examinations, in the manner adopted by the Incorporated Law Society of England;

(*ii*) prescribing a syllabus for these examinations;

(*iii*) appointing advocates and other qualified gentlemen who may not necessarily be members of the English Bar or attorneys of the Calcutta High Court to be paper examiners, in these examinations;

(*iv*) lowering the fees of these examinations;

(*v*) fixing a reasonable maximum premium payable by articled clerks;

(*vi*) not granting permission to the attorneys of the Calcutta High Court to take articled clerks, till there is a sufficient decrease in the number of clerks already articled;

(*vii*) prescribing compartment examinations as have been done in the (M.B.) Medical examinations of the Calcutta University?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*), (*ii*), (*iii*), (*iv*), (*v*), (*vi*) and (*vii*) No.

Insanitary borrow-pits within the North Dum-Dum Municipality.

101. Babu PROFULLA KUMAR GUHA: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware of the existence of a number of insanitary borrow-pits, breeding places of anopheles, of the Eastern Bengal Railway within the jurisdiction of the North Dum-Dum Municipality?

(*b*) Is the Hon'ble Minister aware that in the annual report of the Ross Institute and Hospital for Tropical Diseases (London) the presence of these borrow-pits in the neighbourhood has been described as dangerous to the public health?

(*c*) Is it a fact that the attention of the Director of Public Health, Bengal, was drawn to this state of affairs?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what actions, if any, have been taken in the matter?

SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. C. W. Gurner): (*a*) Government are aware of such complaints about the "Dredger Sidings" of the Eastern Bengal Railway in this area.

(*b*) Government have no information.

(*c*) Yes.

(*d*) The Director of Public Health has been in correspondence with the Eastern Bengal Railway and suggested certain remedies.

NON-OFFICIAL MEMBERS' BUSINESS.

Non-official Members' Bills.

The Calcutta Municipal (Amendment) Bill, 1930.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move for leave to introduce a Bill to amend the Calcutta Municipal Act, 1923.

There being no objection to the Bill being introduced, the Secretary read the short title of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: Sir, having regard to the fact that Government has, after I submitted the Bill, appointed a committee to investigate into the matter and to report on the steps necessary for giving relief to the Garden Reach area, I do not propose to proceed further with this Bill at this stage.

The Council agreed to postpone the further consideration of the Bill.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move for leave to introduce a Bill further to amend the Calcutta Municipal Act, 1923, for ensuring the purity of mustard oil.

There being no objection to the Bill being introduced, the Secretary read the short title of the Bill.

The Bengal Municipal (Amendment) Bill, 1930.

MUNINDRA DEB RAI MAHASAI: I beg to move for leave to introduce a Bill further to amend the Bengal Municipal Act, 1884.

The motion was put and agreed to.

(The Secretary then read the short title of the Bill.)

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Municipal (Amendment) Bill, 1930, be taken into consideration.

In moving this motion, I do not think I should make a long speech. The object with which this short amending Bill has been introduced has been stated in the Statement of Objects and Reasons. The object is to remove an anomaly with regard to the interpretation of sub-section *(iii)* of section 15 of the Bengal Municipal Act, 1884. In the Qualification of Voters we find that "Every male person shall be eligible to vote who has attained the age of 21 years, has been resident within the limits of the municipality for a period of not less than 12 months, immediately preceding the election and who being a graduate or licentiate of any University or having passed the First Arts Examination or the Intermediate Examination in Arts or Science of the Calcutta University, or the corresponding standard of any other University, or holding a licence, granted by any Government vernacular medical school, or a Membership Certificate or licence granted by a State Medical Faculty, to practise medicine, or holding a certificate authorising him to practise as a pleader or as a mukhtear or as a revenue agent, occupies a holding, or part of a holding in respect of which there has been paid, during the year aforesaid, in respect of any rates specified in section 15 of the Act, an aggregate amount of not less than Rs. 1-8.

Sir, the ruling of the Hon'ble Mr. Justice Huda in the case of Charu Chandra Mazumdar *vs.* Chairman, Faridpur Municipality, takes away the franchise granted to people just mentioned having certain particular educational qualifications under the Bengal Municipal Act, 1884. My intention is neither to extend nor to curtail the rights and privileges enjoyed under the provisions of the Act and the rules made thereunder. I want to restore it intact which had been curtailed by the judiciary by giving a different meaning to the particular sub-section in question, quite contrary to the intentions of the Legislature. The ruling of the Hon'ble Mr. Justice Huda has seriously affected alike the rights and privileges of Hindus, Muhammadans, Europeans, Anglo-Indians and the domiciled community living within municipal limits.

As Chairman of the Bansberia Municipality I am confronted with this serious problem. People possessing the educational qualifications just mentioned are apt to press me to include their names in the Voters' Register and make me responsible for non-inclusion of their names. They do not care to hear of the interpretation given to the word "occupation" by a Judge of the High Court. My attention to this anomaly has also been drawn by the executives of some other Bengal municipalities who requested me to move the matter in this Council.

I have already pointed out in my Statement of Objects and Reasons that "occupation" in section 15 *(iii)* cannot but mean physical occupation. The interpretation of the sub-section in question was

anomalous and absurd inasmuch as if a person having the necessary educational qualifications had a holding in his name for which he had paid Rs. 1-8 as tax would be a voter by virtue of the payment of the rate alone and if he could not be a voter without such payment, then the fact of having those educational qualifications contemplated by section 15 (*iii*) would be perfectly useless to a person without such a holding and the entire law with regard to the special privilege of education referred thereto would be reduced to a nullity. The wording of the rule "occupies a holding in respect of which there has been paid" is significant. If the Legislature intended that the rate should be paid by the graduate himself, the wording would have been "in respect of which he had paid." In some municipalities the executives used their own discretion ignoring the ruling of the Hon'ble Mr. Justice Huda. Others strictly followed it and some others followed both the Act and the ruling according to their sweet will. There was an apprehension in some quarters that if the sub-section in question be modified there was every likelihood of the influx of students from the messes to influence the elections which were not according to them desirable in the best interests of municipal administration. Sir, in order to obviate that difficulty I have purposely avoided using the term "resides in" or any other term which might have a wider meaning. I have therefore substituted the words "lives in"—a restricted term, conveying a limited meaning in place of the word "occupies." This, I hope, would remove the misapprehensions.

The purpose of this Bill is to maintain an uniform standard of procedure in all the municipalities of Bengal by giving a correct meaning to the particular sub-section in question. I hope and trust that this amendment will have the approval of the Council.

The following motion was called but not moved:—

Maulvi ABDUL HAKIM to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department,

(2) Mr. C. W. Gurner,

(3) Mr. H. S. Suhrawardy,

(4) Mr. A. K. Fazl-ul Huq,

(5) Khan Bahadur Maulvi Azizul Haque,

(6) Maulvi Abdul Karim,

(7) Maulvi Abul Kasem,

(8) Munindra Deb Rai Mahasai, and

(9) Maulvi Abdul Hakim,

with instruction to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. C. W. GURNER: Sir, I may preface my remarks by pointing out that Government are, on principle, quite favourably disposed to this Bill; but, at the same time, we have been rather taken by surprise by Maulvi Abdul Hakim's failure to move the motion for reference to a Select Committee which was standing in his name. Government would have welcomed an examination of the Bill by a Select Committee in order to obviate any possible dangers or shortcomings which might be found on close scrutiny. I think my best course, now that the motion has failed, would be to explain to the House from the Government point of view the character and results of the Bill and leave it to the general sense of the House as to whether these objections, such as they are, are sufficiently strong to justify refusing consideration to it, and should the House not accept that opinion, we would have to acquiesce in the Bill.

The practical effect of this Bill will be as follows: At present students of three classes over the age of 21 are debarred, rightly or wrongly, from the municipal franchise outside Calcutta. These are students living in hostels, students living in messes and students living with parents. A student who has taken the I.A. or I.Sc. degree and qualifies as an occupier in the restricted sense of the term put on it by the judiciary *ipso facto* is qualified to be entered in the electoral roll—but not so when he is dwelling in a hostel or mess or living with his parents. It will be appreciated by the House that the effect of this measure will mean a rather sudden enfranchisement of the whole student community who have taken the I.A. or I.Sc. degree. I say that, in principle, it is a measure in which Government would acquiesce, but they are of opinion that the measure requires some scrutiny to avoid, for instance, the danger at a time of disputed elections of a body of students being brought on the electoral roll by illegitimate methods.

Another general effect of this Bill will be this; and I hope that in pointing it out, I shall not be suspected of a wish to raise any communal question. But the fact must be faced that the outright enfranchisement of the whole of the student community who possess the I.A. or I.Sc. degree will in fact have an adverse effect in some degree—I cannot estimate the degree but in some degree at any rate—on the representation of the Muhammadan community in the rural municipalities where naturally the number of Muhammadan students is very considerably lower than that of Hindu students. It will undoubtedly in some places have the effect of throwing the representation of the two communities more out of gear than it is at present;

and it is really for the leaders of the Muhammadans present here to consider this and inform the House whether in their opinion it is a sufficiently serious aspect of the question to justify opposition to the Bill or they would be content to acquiesce in the Bill on account of its general principles.

Babu JATINDRA NATH BASU: Sir, I fail to see the cogency of the grounds that have been urged on behalf of Government, and of the desire that Government has expressed that this Bill should not be referred to Select Committee. One of the fears that has been expressed is that if this Bill is enacted a large number of students is likely to be enfranchised and will come on the list of voters. But Mr. Gurner knows very well that there are outside Calcutta so few colleges and the number of students possessing the necessary qualifications in those colleges are so small that their number is practically negligible. For instance, in Chittagong or in Burdwan the list of voters may show five or six thousand voters but the number of students who are likely to come on the electoral roll will be about 50 or 60, and their inclusion on the roll will hardly affect elections in any way. Therefore, I do not think that there is any substance in the contention that has been put forward. The plain question is this: Section 15 of the Bengal Municipal Act lays down the qualifications for persons entitled to be placed on the electoral roll. This section lays down a property qualification and also educational, professional and occupation qualifications. The property qualification laid down is that a person to be a voter must pay rates of an aggregate amount of not less than Rs. 3. Another subsection lays down that certain persons, who are graduates or licentiates of a university or who carry on some profession like medical men, will be entitled to vote if they occupy a holding paying an annual aggregate sum of not less than Rs. 3. If a man who is a licentiate can only come on the electoral roll if he himself also pays an annual sum of Rs. 3 in rates, there does not appear that there is any particular object in having another clause in the Act by which certain persons, who have special qualifications, educational and professional can only come on the electoral roll if they pay the same amount of tax which already brings them within that property qualification which by itself without any other qualification enables them to come direct on the electoral roll. It was evidently intended that these persons with educational and other qualifications who live in a place which is assessed for the minimum annual tax should be classed as voters. So far as the Bill, that has been introduced, is concerned there is only one clause. I think if the Secretary had read the clause, he would have seen in half a minute what the real difficulty is. I fail to see why Government should think that a Bill containing only one clause should go to Select Committee

when they have opposed a Select Committee on a much more complicated Bill. I do not think that we should waste time by sending the Bill to a Select Committee.

Mr. NARENDRA KUMAR BASU: Sir, I agree with the last speaker that this Bill really is one of interpretation. The commonsense interpretation appears to be what the hon'ble mover of the Bill intends to give to the words in question. As, however, a different meaning has been put to the words by the judiciary which has the effect of unjustly disenfranchising a number of people the Bill has been rendered necessary. The Secretary in the Department of Local Self-Government, who replied for Government, said that the result of the passing of this Bill would be to enfranchise a large number of students—at least a certain number of them. But he has not considered the other side of the question that the present interpretation has disfranchised a number of adults. In the Krishnagar municipality, where I have a holding which stands in the name of my brother I have no franchise. I had; however, a franchise when I passed the First Arts Examination about 40 years ago, but now under the new interpretation I have been disfranchised. That is the sort of anomaly to remove which this Bill has been proposed. As for the danger of a communal controversy arising out of the Bill regarding the low number of Muhammadan students, unfortunately the Muhammadans are in a minority even in the General electoral roll, and the addition of 50 or 60 Hindu students as against 3 or 4 Muhammadan students will not affect the question at all.

3-30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I would only say one word in reply to what has been said by Mr. Gurner. I think that the Bill will be advantageous to the Muhammadans for it is my experience, coming as I do from a Muhammadan centre, that the proportion of Muhammadan students to Hindu students within the last 8 to 10 years has increased enormously. The Muhammadans have of late been making rapid strides in the matter of education, so that I expect that this measure will result in a large number of Muhammadan students being enfranchised and thereby create a balance in favour of the Muhammadans, at any rate in the eastern districts.

Khan Bahadur Maulvi AZIZUL HAQUE: I am desired to state on behalf of the party to which I have the honour to belong to ask the mover to withdraw his motion and to agree to the Bill being referred to a Select Committee. Most of the members of my party have had no time, in view of their preoccupation in connection with the Primary

Education Bill, to consider the provisions of the Bill and notices of amendments could not be given in time. As a matter of fact we have not got any data to judge one way or the other the principles of the Bill. The communal side of the thing will also have to be taken into consideration as in a recent election a Muhammadan candidate was defeated by only 17 votes. We are opposing the motion on principle. It is extremely desirable that education should be considered in giving franchise to the people and we have full sympathy with the ideal that the mover has in view. But as I have said, we have not been able to look into the matter thoroughly, and in that view of the case we are not in a position to support the motion.

Mr. C. W. CURNER: In view of the remarks which have just been made it seems clear that there is no unanimous demand for pushing this Bill through without reference to a Select Committee. I would therefore request that the mover should withdraw his motion for taking the Bill into consideration and should accept an amendment for referring the Bill to a Select Committee. If the mover is unable to accept that suggestion, which would have our entire support, then in view of the lack of unanimity and in view of the undesirability of rushing this Bill through without reference to a Select Committee, Government would have no alternative but to oppose the motion, although they are in general sympathy with the principles of the Bill.

MUNINDRA DEB RAI MAHASAI: Sir, I accept the suggestion to refer the Bill to a Select Committee.

Mr. PRESIDENT: We have no such motion before us. You are the mover of the Bill and you can withdraw it at any stage you like.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, with your permission the mover may be allowed to move a short-notice amendment to refer the Bill to a Select Committee.

Mr. PRESIDENT: Rai Mahasai has already placed his motion before the House. I cannot permit him to move an amendment to his own motion. If any other member moves such an amendment, I may consider it.

Khan Bahadur Maulvi AZIZUL HAQUE: May I have your permission to move an amendment that the Bill be referred to a Select Committee?

Mr. PRESIDENT: What about the names of the members of the Select Committee?

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I will give the names presently.

Maulvi ABUL KASEM: Sir, I want to know if there is any motion before the House for referring this Bill to a Select Committee.

Mr. PRESIDENT: There was a motion to that effect on paper but it has not been moved.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I beg to move that the Bengal Municipal (Amendment) Bill, 1930, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department;

(2) Mr. C. W. Gurner;

(3) Mr. H. S. Suhrawardy;

(4) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;

(5) Khan Bahadur Maulvi Azizul Haque;

(6) Maulvi Abdul Karim;

(7) Maulvi Abul Kasem;

(8) Munindra Deb Rai Mahasai;

(9) Maulvi Abdul Hakim;

(10) Rai Keshab Chandra Banarji Bahadur;

(11) Babu Jatindra Nath Basu;

(12) Rai Satish Chandra Mukharji Bahadur;

(13) Babu Satya Kinkar Sahana;

(14) Mr. Bijoy Prasad Singh Roy; and

(15) Mr. Syamaprosad Mookerjee,

with instructions to submit their report as soon as possible and the number of members to form a quorum shall be five.

The motion of Khan Bahadur Maulvi Azizul Haque was then put and agreed to.

The Calcutta Municipal (Amendment) Bill, 1930.

Maulvi ABUL KASEM: I beg to move for leave to introduce a Bill to amend the Calcutta Municipal Act, 1923.

Babu JATINDRA NATH BASU: I oppose the introduction of the Bill.

Mr. PRESIDENT: Maulvi Abul Kasem, if you are anxious to make any statement as to why you desire to introduce this Bill, you may do so at this stage, but your remarks should be brief.

Maulvi ABUL KASEM: Sir, my object in asking for leave to introduce this Bill is that under the provisions of the Act of 1923 Muhammadan citizens and the ratepayers of Calcutta have enjoyed the privilege of sending their representatives to the Corporation through their own electorates for the last three general elections and according to the provisions of that Act, after the first three general elections, the Muhammadans will have to come through the general electorates. Now I want an amendment of that Act in order that the right of being represented by separate electorates, or to put it in the proper form, the right of the Muhammadan citizens and ratepayers of Calcutta to send their own representatives, should be continued till such time as they themselves desire that they should come through the general electorates. Sir, after I gave notice of this Bill a writer in a newspaper has remarked that I am undoing all the good work done by the author of this Act, the late Sir Surendra Nath Banerjea, whose leadership I have followed throughout my life. Well, Sir, I myself would have considered it a sacrilege on my part if I had gone in any way against the policy of my late leader.

It can never be said when Sir Surendra Nath Banerjea framed this Act his intention was that the civic affairs of Calcutta should be controlled and managed by the representatives of any particular community, be they Hindus, Muhammadans, Europeans or Anglo-Indians. What he wanted was that Calcutta Corporation should be given a complete swaraj, and he succeeded in doing so. It would be an insult to his memory to say that he intended that any particular community, Hindus or Muhammadans, should have a prepondering voice or a predominating influence in the Calcutta Corporation.

Babu JATINDRA NATH BASU: Sir, I oppose the motion because it is premature. We are not going to have an election of Councillors of the Calcutta Corporation until March, 1933. There is, therefore, no urgency in view of the impending changes that a Bill should be introduced at this stage, and those impending changes will, I hope, result in a satisfactory solution of the differences between the Hindus and Muhammadans as regards the method of representation. In view of that and after the new dispensation comes in, I think, both in connection with central and provincial legislatures as well as local bodies, there will be a different system of orientation and people will look at elections from a different point of view. It is, therefore, wholly premature and unnecessary that in August, 1930, we should try to enact a thing which cannot in the ordinary course of things be

of any use to any one until March, 1933, and in the mean time momentous changes are expected. Besides, if any one has taken care to read the Bill, one cannot but be surprised. I think it is a document which should never have been brought before the legislature in the form of a Bill. The Bill only refers to certain definite sections and schedules. Even in a Select Committee you cannot go beyond that scope. It is a Bill which I do not think is a businesslike production and can really be discussed by this House.

The motion of Maulvi Abul Kasem that leave be given to introduce a Bill to amend the Calcutta Municipal Act, 1923, was then put and lost.

Resolutions on matters of general public interest.

Ballot system in local bodies.

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that this Council recommends to the Government that the system of voting by ballot be introduced in the local bodies (local boards and union boards) in Bengal.

Dr. NARESH CHANDRA SEN GUPTA: I would only say this that I hope that this Council would give its full support to this resolution, which is merely directed towards making the elective principle in local bodies really effective. It is well known that voting by ballot, i.e., secret voting, is the only method by which the real intention of the voter cannot be known. An open voting is likely to be very much influenced by other circumstances which give the result of the voting a character which it ought not to bear. It is such an elementary principle that it is not necessary to state anything. The local boards and union boards elections are not done on this principle. I submit that this proposal is very good for the extension of that well recognised principle at these elections.

Rai Bahadur KESHAB CHANDRA BANARJI: Sir, the proposal of introducing voting by ballot in local boards and union boards is not a new one. The question has been before Government for a long time. It was discussed at a Commissioners' Conference in Darjeeling and the proposal has now narrowed down considerably. I am at one with the hon'ble mover of the resolution so far as the principle of ballot voting is concerned, but the reasons which stood in the way of an effect being given to the proposal earlier hold good even now. The system of secret voting, besides being expensive for the local bodies, is unpractical for obvious reasons. There is then the difficulty of illiteracy of the voters which cannot be surmounted so long as the existing state

of things continue. In a country where 93 per cent. of the population is illiterate, it is idle to think that the system will be attended with any measure of success. The Local Self-Government Department in their Circular Nos. 3787-3791L.S.-G., dated the 4th December, 1929, addressed to all Commissioners of Divisions, have made definite suggestions on the subject. The proposal is to conduct the ballot by having a separate voting box for each candidate, in which the voting papers would be placed unmarked, and not by having one ballot box and requiring the voter to mark the voting paper against the name of the candidate whom he wishes to support. The ballot boxes for the several candidates would be distinguished primarily by the use of separate colours for each box, and also perhaps by the use of lines or symbols, and even photographs of the candidates.

The main difficulty for an illiterate voter is to distinguish the boxes. The course suggested by Government is to use different primary colours or combinations of primary colours and also vertical lines to represent numbers and distinctive symbols of a non-committal character, such as a bicycle, a boat, a cart or other familiar objects. It is also proposed to allow candidates to supply photographs of themselves to be attached to their own voting boxes.

I do not know if Government have considered the question in all its bearings and the difficulties that these suggestions involve. The various proposals made do not seem to obviate the practical difficulties in giving effect to them. In the first place, neither of these suggestions solves the problem of the illiteracy and utter ignorance of voters Difficulties will certainly arise in the case of plural member constituencies. It would be difficult in such constituencies along with complete freedom of the voter from observation to prevent him from "plumping" by putting more than one voting paper in the same box. The method of balloting described may be practicable in certain local boards with single member constituencies rather than plural member constituencies, but not in the case of union boards where the general rule is to have plural member constituencies, even when unions have been divided into wards.

The Hon'ble Minister in charge of the Local Self-Government Department has invited a conference of the chairmen of district boards for the 22nd and 23rd of August next to consider proposals for the amendment of the Bengal Local Self-Government Act. The question of introduction in local boards of the method of voting by ballot will hardly serve any useful purpose at this stage in view of the proposed abolition of local boards. The experiment in union boards is not likely to be practicable for the reasons already stated.

I am afraid none of these methods can be carried into effect owing, as I have already stated, to the absolute ignorance of the unlettered

voters the majority of whom may not personally be able to identify the candidate whom they are voting for. I can say from my experience of the condition prevailing in East Bengal, that the majority of the educated people are absentees living in distant towns and pursuing their own avocations. It sometimes so happens, and I have personal knowledge of such instances in my own district, that after retirement from service many respectable gentlemen settle down in their villages. Owing to long absence from their native villages, many persons are like strangers to the village people and if such persons, who are in every respect desirable candidates, stand for election to the union boards, there is every chance of their not being recognised by the voters by merely having a look at the ballot boxes, although they may be well known to them by name. The difficulties of the method suggested in such cases will be immense and the result will be confusion and mistake in putting the ballot paper in the right box.

In the circumstances, it is difficult to find a method which it will be easy to put into operation and which will command universal approval. Considering the complications that are likely to arise in consequence of the introduction of the system of voting by ballot, specially in union boards, I am not in favour of this resolution. We should wait and watch developments and take up the question when the proper time comes.

Babu SATYENDRA KUMAR DAS: Sir, I rise to oppose the resolution which has been moved by Maulvi Syed Jalaluddin Hashemy. I am in full accord with what has been said by Rai Bahadur K. C. Banarji. The introduction of the system of voting by ballot in union boards will, instead of being of any advantage to the illiterate voters, give rise to complications. The consideration which weighs with me in opposing the resolution is the cumbrousness of the procedure proposed to be adopted for the recording of votes which it will be very difficult to explain fully to the illiterate voter. Secondly, there are possibilities of excessive expenditure being incurred in conducting the elections. There is every chance of the system suggested being unsuccessful owing, as I have said, to the "illiteracy of the voter." It will be voting by ballot only in name, and will not serve the purpose for which it is intended nor will the chances of corruption be altogether non-existent.

I, therefore, strongly oppose the resolution.

4 p.m.

Babu SATYENDRA NATH ROY: Sir, after the last speaker, I wish to say a few words regarding this resolution. On principle I am in favour of voting by ballot, but I think the conditions

in this country are quite unsuitable for the ballot system being introduced in local bodies. It is quite right in England where 98 per cent. of the population are literate and where the people can vote properly under the ballot system, but in this country not more than 10 per cent. are literate, and in rural areas, particularly, they never mark the ballot papers. Sometimes complaints have been made against Government officers who preside at polling stations. Suggestions have also been made that ballot papers should be printed in different colours. Under the circumstances I do not think that my hon'ble friend should press his resolution.

Mr. C. W. CURNER: Mr. President, Sir, I feel sure that in one thing the House will agree with me as a whole, viz., that it is a piece of bad luck unexampled in the history of parliamentaryism in Bengal that all the motions affecting the Local Self-Government Department should come up immediately after the resignation of the Hon'ble Minister-in-charge of that Department, thus leaving the Secretary to explain the principle which has been adopted by Government.

Now, when we approach the question of ballot for local bodies, that is, local boards and union boards, we should do well to go back to one of the most significant pages in the Simon Commission's Report. That is the page in which a comparison is made of the percentage of the literate population and the percentage of the population enjoying the franchise, referring of course to the Legislative Councils. The Simon Commission have pointed out a thing which is obvious, though not so clearly pointed out before, viz., that though both the percentages are remarkably low nevertheless they do not coincide, and the inference is, as every one knows, that a very large proportion of the electors of the Legislative Council are illiterate. Now, naturally, when you think of the franchise in the extended terms of the minor local bodies, such as union boards and local boards, this proportion becomes enormously increased. The proportion of illiterate voters, as pointed out by the last speaker, for union boards and local boards is very much greater than the proportion of illiterate voters for the Legislature. The result is that when you talk of applying the principle of voting by ballot to the elections for these local bodies, you must devise a new form of ballot paper. The form of ballot paper in which the voter makes a cross against the written name of a candidate will not do for the voters of whom the greater part remains illiterate. This being taken into consideration, and after consultation with the Commissioners of Divisions and with local authorities, Government were forced to the conclusion that if voting by the ballot is to be introduced for union boards and local boards, it must be under the system referred to, under which you have a different ballot box for each candidate. There is nothing strange in that in this country as a whole. To go back

again to the Simon Commission's Report for a moment, if members of the House would look up page 135 of Volume I they will find a most instructive and at the same time a rather amusing specimen of a ballot paper in certain provinces, in which there are signs of an elephant or a cart or a cycle against the name of each candidate for enabling the illiterate voter to know for whom he is voting. Now, the principle to be adopted, I think, if we accept voting by ballot for local bodies in Bengal, should be a modification of that system. We shall require separate ballot boxes—the elephant ballot box, the bullock-cart ballot box, the cycle ballot box and so on, with easily recognised symbols of a non-significant character, and probably in the room outside there should be a duplicate set of such boxes for the purpose of instructing the voter. The illiterate voter will be asked to go inside the room and drop his voting paper in the proper box. Government are of the opinion that this is the only way in which the ballot of the illiterate voter can be recorded. But, now, if members would reflect for a moment on the logical results which would follow from an adoption of this system, they will see that they can introduce it only into single-member constituencies. That is you must say to the elector that he has only one vote and that if he wishes to give it, say, to the elephant candidate, he should be asked to put his ballot paper into the elephant box. But it will be impossible to make it clear to an illiterate voter who has three or four votes, how he should vote.

Sir, in the case of plural voting, if the supporter of the bullock-cart candidate and the cycle candidate has to drop papers in different boxes, there would be inevitable confusion and not only that, he might put all the ballot papers in one box, thus entirely defeating the object of plural voting which is an accepted principle for union boards and local boards in Bengal.

I hope I have made it clear, firstly, that if the ballot is introduced for election to small local bodies, it can only be in the form of separate ballot boxes and secondly that this system of symbols, if used by very simple people, is only applicable to single-member constituencies. Now, that consideration alone, when carefully worked out, is enough to bar the system for union boards, because throughout the greater part of the province union boards are elected by means of plural constituencies. We have a question on the paper as regards the number of union boards which have been divided into wards, and the answer will be given in due course. I submit that you cannot introduce voting by ballot by this system of symbols for union board elections, and we are left with the possibility of introducing the system in elections for local boards of a suitable character.

Now that we have eliminated so much as this, it might be a welcome news to the mover of the resolution that Government, on the advice

of Divisional Commissioners, and after considering the very conflicting opinions recorded by local bodies and other persons consulted, are in favour of experimenting with this system of voting by ballot with the use of symbols in selected local boards to see whether it will really work. I might explain that this can only be done by a total revision of the rules applicable to the local boards selected, which naturally will require considerable time to work out and, as I have said, Government have taken the advice of Commissioners of Divisions as to which local boards it might be possible to introduce this new system in with some chance of success. They are also prepared to consider—and are considering—the advice received and will endeavour, if possible, to make the experiment.

Now, I would ask the House to agree with me that that is as far as we can possibly go at present in extending the conception of the ballot to the elections for minor local bodies. The supporters of the resolution need have no apprehension that Government are trying to check the urge towards a more developed franchise. The last resolution on the working of local self-government institutions pointed out with great satisfaction that the number of union board electors now amounts to two and three quarter million, and referred to union boards as a school of franchise which is an asset in the political development of Bengal. The number of electors for union boards will increase, and we hope, as I said, to make a small but quite genuine experiment with this system of voting by ballot for local board elections if suitable local boards can be found. There is no question of halting or going back.

"We are the pilgrims, master, we must go
Always a little further"

in the matter of franchise as in everything else; but I would ask the House not to embarrass Government by supporting this resolution because it would be quite impossible—it is quite impracticable, quite ruinous to the franchise—to introduce voting by ballot in all local boards and union boards in Bengal.

Maulvi SYED MAJID BAKSH: Sir, I beg to submit that this is a very fundamental principle connected with franchise. Since franchise has been granted to the people, it is only proper that they should be allowed to vote in an unfettered manner, that is by means of the ballot. We know that if the candidates for election are influential people, it is almost impossible for the illiterate and poor voter to record his vote freely, because he dares not to go against his zamindar or creditor in any way. Should he dare to do so, he is spotted and harassed afterwards. Therefore, Sir, this wholesome provision is necessary in order that the voters might exercise their rights freely.

As regards the difficulties which have been mentioned by my hon'ble friend the Secretary to the Local Self-Government Department, I think that they can be obviated easily. I think that the apprehensions that have been expressed by Mr. Gurner as regards plural voting are baseless. If instruction is issued to the polling officer to see that a voter does not put all his ballot papers in a single box or put them wrongly in different boxes, I think that would be enough. And if further instruction is issued that a polling officer should hand over one ballot box at a time, then it would be still better, and there would not be the least difficulty in dealing with elections.

4-15 p.m.

That is the only difficulty that has been pointed out to us by the speakers who spoke before me. I believe this provision with a little carefulness on the part of the polling officer will remove this difficulty. On the other hand when this question was referred to the various district boards—I hope my friends will support me when I say that all of them supported the introduction of ballot boxes.

Mr. C. W. CURNER: On a point of fact that is quite a mistake.

Maulvi SYED MAJID BAKSH: If my friend will look into the papers he will find out the truth. I am a member of a district board and I know that we voted for it and my friend here says that the same thing was passed in his district board also. The polling that is resorted to in municipal elections is difficult no doubt but we hope that with the introduction of free primary education the voters will be sufficiently educated to avoid that difficulty by the time it will come into force. If instead of waiting for that time we can even now find out a way out of this difficulty, namely, by the introduction of coloured ballot boxes and insertion of figures on them so much the better, but it will not be very difficult for the voter to read the figure if he is told that a particular delegate has got a particular figure. My friend has said that a man who will vote by ballot will find it difficult to read the figures. I have already submitted that with the introduction of free primary education the voter will be able to exercise his franchise easily.

As regards the local boards I think it will not be very difficult because we have at present in the case of Council election a system of voting by which the voters get the ballot papers. Just as in the case of elections to the Council, if you confer this franchise with reference to the electoral roll, in the case of local boards no difficulty will arise, as the one will be only a little wider than the other.

In the case of union boards we find that practically the same voters go there. There will not be such wide difference between the voters

to the local boards and the union boards as to create an insurmountable difficulty. This difficulty is merely a difficulty of conjecture and when you come to actual practice you find then that it is always possible for people to find out a easy way of solution and as difficulty arises we may be able to find out some way out of it. So I suggest to my friend that the difficulties which he has seen are more or less chimerical and can be easily obviated. I, therefore, request him not to oppose this motion but to go with me to the same lobby.

Mr. J. CAMPBELL FORRESTER: Mr. President, Sir, just one word on this subject; I am interested because about 10 years ago I acted as an honorary election agent for a European in a municipal contest between a European and a Hindu. It was a very keen fought contest, and when the polling day arrived and the voters began to come to the poll, I was much amused and surprised to find the method by which the voting was done. As the voters approached the polling booth, two stalwart durwans would step out with two long lathis, walk up to the prospective voters, and with loud voice and threatening attitude brandishing the lathis would say "Vote for so and so." Then they would escort him to the door of the polling booth and handed him over to an interested party inside, while the durwans waited for his return outside. And as it was open voting one can readily understand how that man voted. As a choice between a broken head, and vote for the party by whom the durwans were engaged, the voter would naturally prefer his own safety, and for peace would vote for whatever he was asked. It reminded me very forcibly of an election that took place in Ireland. A stalwart Irishman took the chair, and placed on the table beside him an Irish shillalah. The candidate expounded his programme and sat down. The chairman then said in an Irish voice, "Is there any one in the audience who would like to ask the candidate a question?" A member of the audience rose up in his place. The chairman then said, "Do you wish to ask the candidate a question." The man replied, "Yes." The chairman said, "Then come on to the platform." The individual who wished to ask question did as desired, and went on to the platform. He then asked a question which was not a desirable one for the candidate to answer. The chairman reached to the table for his Irish shillalah, hit him a blow on the back of his head, which laid him flat on the platform. The chairman then brandished his Irish shillalah, turned round to the audience and said, "Sure, is there any other gentleman in the audience who would like to ask the candidate a question?" Needless to say no one desired to undergo the experience of the first questioner. Therefore the candidate was let alone.

There is a similarity between the two positions, force and effect. Now, Sir, it is very desirable that the present method of voting should

be altered at the earliest possible moment. I recognise the difficulties in helping the illiterate voter, but it is not so very difficult that it cannot be overcome. Each candidate could be represented by a colour, and the ballot box should have the different candidate's colours painted on the ballot box. There are other methods which no doubt the ingenuity of the excellent brainy I. C. S. members could evolve if they were compelled to. Every advance of an illiterate people needs careful consideration and a good deal of trouble in the training of the minds to work in the right direction. But efforts have to be made to help the illiterate on until they become literate. I therefore support the resolution before the House.

Mr. SHANTI SHEKHARESWAR ROY: I have no objection to supporting this resolution as I am of opinion that the system of voting by ballot is a very good one. Sir, the spokesman on behalf of Government in the Ministry of Local Self-Government has given us certain interesting suggestions which have been embodied, he said, in the report of the Simon Commission. I have not had the good luck to read that point in the report. Government have not unfortunately placed a copy of the Simon Report in the hands of members of this Council. Sir, I have heard a good deal about propaganda but I find that Government are rather wanting in propaganda in connection with the Simon Report. I know, Sir, that there is a feeling in the country that people should not read this report but if the Government were interested in the circulation of this report and the creation of interest therein, they should have supplied copies to members of this Council at least. We get circulars which we do not want to read but not reports which we would like to read! We were asked by the Member of Government to refer to this report as it is likely to help us. But let me leave that and come to the subject matter of our discussion.

Regarding the resolution, I have some experience of the ballot box and illiterate voters. I have contested many an election in rural areas in this province as well as in a neighbouring province, have come into touch with a large number of illiterate voters and I can say that the picture that has been drawn by one speaker about the voter and his candidate is rather overdrawn. They can make their choice with a little literacy; of course there are some who cannot perhaps make the right choice of coloured boxes but in the main their choice is correct. Whether we have literate or illiterate voters, the difficulty will be solved if we have boxes of different colours. It is done in Bihar and is successful there.

As regards rural constituencies with two or more seats the issue of voting papers in different colours with the same serial number will obviate all difficulties. If one and the same ballot paper in a different

colour is found in one box it will be rejected, and so there will be no inconvenience. If we intend that there should be free voting we should introduce this system and that very soon.

Dr. AMULYA RATAN GHOSE: Sir, I beg to speak something about the resolution. I have some experience about elections in towns and also in rural areas and I have seen that the system of ballot voting is the source of much disorder and difficulty for the voter. It is also the cause of election suits that crop up after an election. The previous speakers have referred to illiterate voters only but I want to mention something about the difficulties in connection with literate voters also. Recently an election took place regarding a constituency of the Council of Medical Registration and in connection with that election even literate voters caused so much disorder in filling up the ballot papers that soon after the declaration of the results, there cropped up election cases and the elections had to be nullified and a fresh election was ordered. I have personal knowledge of the difficulty of literate voters. The object for which ballot voting is advocated is always defeated in case of illiterate voters. Illiterate voters go to the polling station and in a loud voice tell the name of the candidates whom they are voting for and everybody hears whom they are voting for, and that inspite of the warning of the presiding or polling officer. The fact is that as soon as they approach the polling officer they speak out the name of their candidates in a quite loud voice and thus the object of secret voting is defeated in the case of illiterate voters. Moreover, there is always grumbling that officers who are engaged in recording votes of illiterate voters do not do their work always honestly. There are some such cases sometimes and I have heard of such irregularities in Council election cases too. Therefore, Sir, although the object is a very good one that franchise may be exercised independently, yet in practice it is not so; it is secret voting in name only but in practice it is open voting and therefore instead of creating so much difficulty it would be far better that elections should be open as they are at present. That is why, Sir, I am opposed to the resolution now being discussed.

4-30 p.m.

Maulvi ABUL KASEM: I rise to support this motion. From what I heard in this House I find that the two objections against voting by ballot are that there is illiteracy in the country and that voters who are illiterate will not be able to exercise their franchise properly in the ballot box. I submit, Sir, that if that is so, this House should, as I hope it will, pass the Primary Education Bill and thereby remove illiteracy. Apart from that I think the defect can easily be overcome if we use, in a secluded room, coloured boxes for

voting purposes both for illiterate and literat rs. This will remove the objection of my friend who has said that some of the voters speak out loudly the name of the candidate for whom they are voting. There will be no occasion for speaking loudly or slowly. Secondly, it is said that a good deal of irregularities happen under the ballot box system and therefore election suits are brought in. But, Sir, if coloured boxes are used, there will be no irregularity because every voter will throw into them their voting papers. In municipal areas there is voting by ballot and there also illiterate people record their votes. And if it is possible for people to vote under this system within municipal areas it should be equally possible for them to vote in the same way in rural areas. In this Council, Sir, we have come by the ballot system of voting and I can say that a large number of our voters are illiterate. If they can exercise their franchise under the ballot system, why cannot the voters of the union boards and local boards do the same. This objection, I submit, Sir, is groundless and I hope the House will adopt the motion which is before it.

The motion of Maulvi Syed Jalaluddin Hashemy was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Chaudhuri, Khan Bahadur Maulvi Afimuzzaman.
Chowdhury, Maulvi Abdul Ghani.
Busufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Heque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Rahman, Maulvi Azizur.
Rout, Babu Hoseni.
Roy, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sotaiman, Maulvi Muhammad.

NOES.

Ali, Mr. Altaf.
Bal, Babu Lalit Kumar.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammad.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haidar.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Easson, Mr. [illegible].
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Sunil Kumar.
Bhose, Dr. Amulya Ratan.
Ghosh, Rai Bahadur Shashanka Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Babu Profulla Kumar.
Gurner, Mr. C. W.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur.
Huq, Khan Sahib Maulvi Azizul.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mittra, Babu Sarat Chandra.

Mitter, the Hon'ble Sir Provash Chunder.
Mukharji, Rai Bahadur Satish Chandra.
Nag, Babu Suk Lal.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Ordish, Mr. J. E.
Pinnell, Mr. L. G.
Poddar, Mr. Ananda Mahan.
Poddar, Seth Hunuman Prosad.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F. M. Abdur-
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray Chowdhury, Babu Satish Chandra.
Ray, Babu Haribansa.
Ray, Mr. Bijay Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Chaudhuri, Babu Ham Chandra.
Sahana, Babu Satya Kinkar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 24 and the Noes 69, the motion was lost.

[At 4-45 p.m. the Council was adjourned for prayers and it reassembled at 4-55 p.m.]

The following resolution was called but not moved and therefore deemed to be withdrawn:—

Haji LAL MUHAMMAD: "This Council recommends to the Government that immediate steps be taken to destroy the water-hyacinth pest in the district of Rajshahi."

5 p.m.

Sale of Patni Taluqs.

Babu HEM CHANDRA ROY CHOUDHURI: I beg to move that this Council recommends to the Government that immediate steps be taken by them to introduce fresh legislation to amend the Bengal Regulation VIII of 1819 (Patni Taluqs) in order to secure the following objects:—

(*i*) to empower the defaulting patnidar to stop sale, before the lot is knocked down, by payment of the demands with costs due to the zamindar, to the Collector conducting the sale or by the production of proof that the amount of such demand and costs has been deposited in the Collectorate;

(*ii*) to empower the defaulting patnidar or any person whose interest is affected by the sale, to apply within 15 days from the date of the sale to the Collector to have the sale set aside on his depositing in the Collectorate—

(*a*) for payment to the purchaser a sum equal to 5 per cent. of the purchase money, and

(*b*) for payment to the zamindar the amount of demand and costs for which defaulting patni tenure was sold;

(iii) to amend section 15 of the Regulation so as to compel the zamindar to mutate the name of the auction purchaser in his *Sheristha* without demanding any security from such purchaser and to entitle the new purchaser to apply direct to the Collector for delivery of possession without first approaching the zamindar for the same; and

(iv) to make such other changes in drafting as may be deemed necessary.

The resolution as it stands is divided into three clauses. For convenience's sake I propose to deal with them separately. The first clause of the resolution enables the defaulting patnidar to stop sale by payment of demands of zamindar to the Collector conducting the sale.

Sir, in Bengal, for realisation of revenues, rents and other public demands, we have got three other enactments in force, namely:—

1. The Revenue Sale Law (Act XI of 1859 and Act VII of 1868).
2. The Public Demands Recovery Act (Bengal Act III of 1913).
3. The Bengal Tenancy Act (Act VIII of 1885).

The proposed relief has been provided in the last two Acts. Though, however, there is no similar provision in the Revenue Sale Law, the defect has been cured by subsequent orders of the Board of Revenue. Section 18 of the Revenue Sale Law, read with the orders of the Board of Revenue issued from time to time indicating the spirit in which discretion should be used by the Collector in exempting estates from sale and the Board's decision in miscellaneous proceedings on the point allows defaulting proprietors to pay arrears before sale becomes complete by fall of hammer. Section 26 of the said Act provides for a right of appeal to the Commissioner of Revenue on the ground of hardship or injustice including refusal of the Collector to accept payment of arrears, etc. The Board's orders referred to are indeed administrative ones only. But those have got, for all practical purposes, force of law. But the Regulation (that is Patni Sale Law) clearly denies that right to the defaulting patnidars. Section 13 of the Regulation contemplating an occasion for fraud that may be practised by patnidars and consequential injuries to the inferior taluqdars provides for the deposit of demands of the zamindars by those inferior taluqdars only on the date of sale. But even under circumstances which are sufficient to influence a Collector in the exercise of his discretion allowed by the aforesaid section 18 of the Revenue Sale Law and thus to accept the payment of arrears of revenue before the lot is knocked down and which are good grounds for appeal before the Commissioner of Revenue if the Collector holds sale refusing

to exercise his discretion in the matter, a patnidar is helpless under the present Regulation. Even the Collector who holds the sale cannot help the poor patnidar. He (Collector) cannot accept the payment without the consent of the proprietors or their authorised agents.

Sir, it may so happen that one dishonest co-sharer may bring a taluq to sale by withholding the payment of his share of rent and attempt to deprive his other weak, minor or female absentee co-sharer of his or her share of the property, or that fraud may be committed by agents of the patnidars themselves by not crediting the rent in the proprietors' serishta, and that a good many other instances may be cited where one may have to suffer without any fault or negligence on one's own part. Notices of sale under the Regulation are served by the peons of the zamindars in the mahal and not on the defaulting patnidars and hence an absentee co-sharer patnidar may easily be kept in ignorance up to the date of sale about the fact of his taluq having fallen in arrears and been advertised for sale. When these and such other exigencies arise no remedy is left for the poor patnidar but to purchase the good graces of the agents of the zamindars however costly it may be.

Sir, I come from a district where the advantages provided by the Regulation are often sought for speedy realisation of rents and have witnessed what humiliation and expenditure by way of illegal gratification one has to suffer for making payments of demands on the date of sale. The proposed amendment does not in any way hamper the speedy realisation of the dues of zamindars which is the sole aim and object of the Regulation, but only softens the stringency of the measure and mitigates hardship to some extent.

I would, therefore, appeal to the House and specially to the representatives of the landholders to act up to their tradition of being ever ready to help the tenants in their just and reasonable demands and thus to concede to the defaulting patnidars the harmless privilege of stopping sale by payment of demands with cost on the date of sale.

I now proceed to the second clause of the resolution which provides for setting aside sale in consonance with the procedure laid down in section 174 of the Bengal Tenancy Act and section 22 of the Public Demands Recovery Act.

The proposed amendment will not only help the defaulting patnidars and other interested persons such as mortgagee and others in protecting their interest on payment of dues and compensation, but will also to a great extent relieve the zamindars from the risk of compensating the purchaser in case, sale be set aside by civil court for any irregularity or illegality in the sale or for any mistake or collusion on the part of the zamindar's servants. Once a sale is completed, however illegal it may be, patnidars have no other remedy left but to institute a civil

suit for setting aside the sale at an enormous cost. In case of success, zamindars have to bear the whole cost of the suit and moreover, to compensate the purchaser. If the proposed amendment is accepted, the number of such litigations will greatly decrease and the aggrieved persons will not be forced to seek relief in the civil courts at a cost which is often prohibitive for a small purse. There is an apprehension in some quarters that if scope be left for sale being set aside on payment of dues, there will be lack of bidders. I believe the apprehension is more delusive than real for a compensation of 120 per cent. per annum is a very good and attractive bargain for the purchasers. The zamindars have now to wait for eight days from the date of sale before they can withdraw their dues from the collectorate; the proposed amendment will extend the period for seven days more. But in consideration of the fact alleged beforehand such delay may be ignored.

I now come to the last clause of the resolution which needs very little time for consideration. The Patni Sale Law has been enacted more than a century ago when the price fetched by patni taluqs in auction sale was not often sufficient to cover the demands of the zamindars; a provision was therefore made for demanding a security from the auction purchaser, so that zamindars may fall upon it in case the price of the taluq be not sufficient to cover the demand. But now owing to enormous rise in price of land such a contingency does not exist. Patni rights are generally granted on payment of salami, i.e., premium equal to at least three or four times the annual rent. It is therefore idle to think that the patnidars will allow their taluqs to be sold away for an amount less than the half-yearly rent. If, however, any such extreme case arises where patni taluq does not fetch the whole demand of the proprietor, he may sue the defaulters in the civil court also for the deficit amount. It may also be mentioned here in this connection that in the comparatively recent enactments such as Revenue Sale Law, Bengal Tenancy Act and Public Demands Recovery Act, there is no such provision for demanding security from the purchasers. There can, therefore, be no justification for enforcing the right of demanding security. The duty of delivery of possession is entrusted to zamindars simply to give them an opportunity for compelling the purchaser to furnish security. If security be no longer needed, the purchaser may be entitled to apply direct to the Collector for possession. On the other hand, the proposed amendment does not in the least make the zamindars losers but gives some facilities to the purchaser.

With these words, I again appeal to the House and more to the bench of the landholders that they will support the resolution unanimously and prove to the public that they are not inimical to the interests of the tenants.

Mr. SARAT KUMAR ROY: Sir, I rise on behalf of the constituency which I have the honour to represent, to oppose the resolution moved by my friend, Babu Hem Chandra Roy Choudhuri, to amend the Bengal Regulation VIII of 1819 (Patni Taluq).

Khan Sahib Maulvi BAZLUL HUQ: On a point of order, Sir. There are certain other resolutions on the same subject and I suggest that they all be taken together.

Mr. PRESIDENT: That is not possible. The order of precedence has been obtained by ballot and that is final.

Mr. SARAT KUMAR ROY: This regulation was created in Bengal with the following expressed conditions:—

(*1*) that the rent was fixed in perpetuity;

(*2*) that collateral security is to be furnished by *patnidars;*

(*3*) in case of an arrear the taluq may be brought to half-yearly sale; and

(*4*) if the sale does not yield sufficient amount to make good the arrear, the remaining property shall be answerable.

These conditions were made in order to give the zamindar facilities to realise his rent so that he may be able to pay his revenues in time to the Government and may not be hampered in any way in fulfilling his great responsibility. I, therefore, Sir, on this principle, oppose items Nos. 1 and 2 of the resolution.

As for item No. 3, in which my friend proposes to amend section 15 of the Regulation so as to compel the zamindar to mutate the name of the auction-purchaser in his "sherista" without demanding any security from such purchaser and to entitle the new purchaser to apply direct to the Collector for delivery of possession without first approaching the zamindar for the same, Sir, I fail to understand why the principle of demanding security should be ignored. In case the taluq be not somehow profitable or convenient to the patnidar or made unprofitable or unyielding by him in any way, then if he defaults and his taluq is held up for sale for arrears, either it would not fetch the proper price or if any one purchases, he will not be able to retain it long, thus making the zamindar liable to a great loss inasmuch as he will not be able to get back the proper value of the taluq. If the patnidar has no other property to seize, then there will be no chance to obtain his full value back, if there be no adequate security, and I beg to submit that as a rule, unprofitable patnis are in arrears. Nobody will allow his profitable properties to be sold off for arrears.

Sir, the amount of security allowed to the zamindar is not high, only six months' rental, which is demanded partly to avoid the risk

of half-yearly patni rent due by the zamindar, to enable him to fulfil his great responsibility of paying off his Government revenues in time, under the circumstances the zamindar cannot forego the condition of demanding adequate security from his patnidar.

Regarding the last portion of this item, as it is absolutely necessary for the patnidar to furnish collateral security to the zamindar for his patni taluq, so it is absolutely logical that the patnidar must apply to the zamindar for mutation of his name in the zamindar's "sherishta."

Even if there had been no question of security, still it would have been a dangerous practice to entitle an auction-purchaser to apply direct to the Collector for delivery of possession ignoring zamindar for the same, for whose benefit the Patni Law was made. The zamindar would be placed in a very awkward position to ascertain his real patnidar, specially if there be several co-sharers, the Collector may notify to him the name of the auction-purchaser, but if by any chance there be delays or notices be misled, then the zamindar, for no fault of his but rather for the fault of his patnidar, will be put to unnecessary harassments, and further will be greatly hampered in realising his dues in proper time to pay his Government revenues.

Dr. NARESH CHANDRA SEN GUPTA: I am sorry I have not been able to follow the member who spoke on this resolution, but I submit that the proposition put before this House by my friend Mr. Hem Chandra Roy Choudhuri certainly draws attention to certain archaisms in a piece of legislation which was introduced in the country nearly a century ago. The policy of the legislature, as in a number of subsequent legislations, has always been to provide the defaulting tenants—persons whose properties have been sold for failure to pay their dues—with some means of relief against the loss of their properties. The mover has referred to some such legislation, and it is also the policy laid down in the Civil Procedure Code in the case of the execution of sales.

5-15 p.m.

But the Patni Sale Law was passed at a time when this point of view was not familiar to Government—at a time when extraordinary precautions were necessary in order to enable the zamindar to realize his rents from the patnidars, so that Government revenue might be paid by him. A long time has passed since then, and certainly in the changed conditions now prevailing, when the position of the zamindar is far less insecure than it was in those days, when the ordinary processes of courts and of revenue offices have been enormously improved, there is no reason why the same rusty provisions should still be utilized for depriving the patnidar, who might have accidentally failed to pay his rent, of his rights. I submit, Sir, that a good case has been made out for a

reconsideration of the matter in the light of modern conditions and for amending the law to suit modern conditions. I have no doubt that the Hon'ble Member in charge of the Revenue Department will be able to give us an assurance of such consideration of this matter, and perhaps it will not be necessary for the mover of this resolution to press it to vote at all.

Babu KHETTER MOHAN RAY: Sir, I rise to support the motion of Babu Hem Chandra Roy Choudhuri. These are very modest and fair proposals. In sales in execution of decrees for rents and also under the Public Demands Recovery Act, persons affected by sales are allowed to apply within 30 days for setting aside sales on depositing all decretal amounts together with the costs and 5 per cent. of the purchase-money as solatium to the purchaser. These salutary provisions have saved many holdings and tenures from passing into the hands of others for inadequate prices. These provisions were at first introduced into the Civil Procedure Code by amending it, and afterwards these provisions were made applicable to the sales held under the Public Demands Recovery Act. These provisions have been satisfactorily working, and the zamindars and other landlords have not complained against them. I do not understand why similar provisions should not be introduced in the Patni Law. This Patni Law is an old and antiquated law, and it is more than a century old, and so it is only right and proper that this should be amended now in view of changed conditions. With regard to clause (c) of the resolution, a judgment-debtor or any person interested in the payment is allowed to deposit the money under decree in the courts and in revenue offices. I do not see any reason why he should not be allowed to deposit the rents in arrears in the Collectorate after his patni has been advertised for sale.

As regard security, I may say that it is only for the amount equivalent to six months' rents. In these days patni taluqs have become very valuable, and in many cases more valuable than the zamindari under which they are held. This provision in the Patni Law has become antiquated and should be repealed, and provision for mutation of the names of purchasers and the delivery of possession to them should be enacted, as suggested in the resolution. Now it is said that zamindars will suffer loss if the provision for security is abolished. I do not see how any loss will accrue to zamindars if this provision is removed from the statute. Nowadays, Sir, it is well known that mukrari taluqs are transferred and that the landlords have got to recognize the transfer under the Law.

As the Patni Law is intended to facilitate collection of rents by summary procedure, it should be brought into line with similar provisions as enacted in the Bengal Tenancy Act and under the Public Demands Recovery Act.

Khan Sahib Maulvi BAZLUL HUQ: Mr. President, Sir, the resolution which has just been moved is very important in its nature and the demand is very equitable and I am sure will receive the sympathetic consideration of this House. The Patni Regulation no doubt has been enacted to help the zamindars in realisation of their rents from the subordinate tenure-holders so as to enable them to pay off Government revenues in due time. But it is an irony of fate that no such advantages have been conferred on the tenure-holders so as to authorise them to realise their quota from their tenants in an easy manner. The patnidar is bound to satisfy the zamindar's demands twice in a year or in default his tenure will be peremptorily sold without any hope of rescuing it. It is called the six monthly taluq for it is surely to be sold away in default of payment of a single six monthly kist whereas the poor patnidars possess no such right in case of default by his subordinate tenants. No such summary procedure has been provided in the patni regulation or any other rent law empowering the patnidar to realise arrear of rent from his under-tenants. The patnidar must follow the ordinary and most lengthy procedure extending over a year or so in getting a decree in the lower court. If the litigation ends here well and good but if there be appeal the unfortunate tenure-holders have to wait at least another year for decision of the appeal and if the result be in favour of the patnidars they have to seek help of the lower court again for execution of the decree and realisation of the decretal amount. In fact real troubles begin here. The judgment-debtor will take all sorts of frivolous and vexatious plea provided for in the Civil Procedure Code and thus cause unbearable delay in the realisation of the decretal amount and when realised the worried and hungry decree-holder finds to his surprise that the amount he has spent in litigation has by far outbalanced the amount realised. Such is the condition of the poor middle-men and this is one of the many reasons why the intermediate tenure-holders' condition is so very miserable. This is one of the many reasons why they fail in paying their share in due time. The months of Chaitra and Aswin, which are the last months of the two kists for payment, are financially a very bad time and the two successive months, I mean the months of Baisakh and Kartic, are also of the same nature, if not worse. The cultivating raiyats, who are the real producers of wealth, remain empty-handed, for whatever produce they have gathered and harvested were sold away long before. Hence the patnidar remains in a fix and could hardly raise money to pay the zamindars to prevent putting the property to sale. This is also one of the reasons for not making timely payment to the zamindar. Next comes the usual disagreement and antagonistic feeling amongst the co-sharers of the tenure-holder and the apathy of some of them due, in most cases, to poverty to pay rents in due time. The enemies of the patnidars play no less an important part to bring about ruination to

them. They spare no pains to gain over some of the unscrupulous co-sharers not to make payment. It is not uncommon that the defaulting tenure-holders, to annul subordinate interest, join with zamindar's servant and by cleverly suppressing the sale proclamation, bring about sale of the property. When once a patni taluq is put up to auction it is doomed, for if the defaulter or the subordinate tenure-holder or holder of subordinate rights get timely information they, at the sacrifice of their hearth and home or at a fabulous or usurious rate of interest, raise money to save the property. Even if they succeed in raising money or can induce all the co-sharers to pay their own quota there is no knowing whether the zamindar's man will accept the arrears. The officer conducting the sale, I mean the Collector, has no power to accept the arrear and release the property from sale. The unfortunate defaulter is at the tender mercy of the ill-paid and ill-clad servants of the zamindars and the defaulters must first of all satisfy them before a proposal for their consent is made.

Sir, I can prove by positive evidence and I can boldly assert that in majority of such cases zamindars' consent to accept arrears when the property is put up to auction is to be bought at a great premium to their servants. Be it clear that I do not make any aspersions against the zamindars themselves though some of them might connive. The legislature has given unbounded powers to the zamindars which are exercised not by the zamindars themselves but by their ill-paid half educated and unsympathetic servants who must utilise the occasion to their full advantage. There is no provision to check or control them. Even the sovereign power, I mean the Collector, the representative of the Crown, has no hand in the matter. If the unfortunate defaulters' wail is loud enough to reach him and sufficient to excite his sympathy he might ask the landlord's man to accept the dues. But it is the sweet will of the hungry servants to concede to Collector's request or not. Like a tyrant who never wants a plea he will put forth pleas after pleas against acceptance of the dues. So in his very face, though he is standing with ready purse in his hands, the unlucky patnidar finds that his property which he so long saved with his hard earned money passed away in a twinkling of an eye from his hands without any hope of getting it back. Sir, just consider in what a miserable plight the unfortunate patnidar is. No revenue sale law or no law of any civilised world is so very rigid and contains one-sided provision. No law possesses such inequitable clauses without a safe-guarding clause for the protection of those against whom it will be enforced. The Civil Procedure Code, the Bengal Tenancy Act have given ample power to the defaulters, debtors and interested persons to release the property by paying dues to the decree-holders or depositing the same with the court before the property is knocked down and even after sale, by depositing decretal amount with 5 per cent. compensation within 30 days from the date of sale. This

latter provision has also been recently extended even in case of sales under Transfer of Property Act in a mortgage decree. Even sales for Government revenue can be stopped if arrears with a nominal penalty is paid. But in case of sales under the Patni Act there is no remedy left even to the sovereign power, even if the sale be brought about fraudulently and collusively and by suppression of sale proclamation—though it is a known secret that cases of this nature are not rare. It is on account of these latter cases and to save the poor and helpless judgment-debtors from the effects of unforeseen contingencies and accidents, etc., that provision has been very rightly made in the Civil Procedure Code and other Acts referred to above authorising the interested persons to save the property by making payments within 30 days of the date of sale. Sir, I do not blame the zamindars for the omission of these most useful provisions. I do not think that in these democratic days there is a single zamindar who will raise his little finger in opposition. The resolution, if accepted, will not harm the landlord in any appreciable way It will rather facilitate in getting money earlier and without trouble. For most of the landlord's men care much for their own interest and if the poor patnidar fails to satisfy them he fails to get the sales stopped and the property necessarily sold to the highest bidder. If the bidder be an outsider, he will get 15 days' statutory time for payment of the purchase money Hence the landlords have to wait not only 15 days but for some days more for getting the sale confirmed and payment order then passed by the Collector. And if the landlord himself be the purchaser new troubles arise The landlords have to plunge into endless litigations and strifes, which may continue for years together There is no knowing when they will terminate. So, Sir, the present law as it stands is not beneficial either to the landlord or to the patnidar. Much litigation and trouble will be avoided if the amendments which have been just proposed be accepted. I therefore appeal to the zamindars and to this House to sympathetically consider the matter and leave this resolution for their kind acceptance.

5-30 p.m.

The Hon'ble Sir PROVASH CHUNDER MITTER: The question is not so simple or easy as some of the members who have spoken on the subject seem to think. I will at once begin by saying that it is not a problem which has come before the Government for the first time. Even before the present incumbent of the Revenue portfolio came into office there were similar resolutions which were examined. This I found on examining old files. When resolutions of this nature come it is the usual practice of Government to consult the Board of Revenue, which is the expert adviser of Government in relation to revenue matters. On the present occasion and I believe on previous occasions the Board of Revenue was consulted and the Board of Revenue was definitely opposed

to making any change in the present system. Government in the Revenue Department also examined the problem and came to the conclusion that no case had been made for a change. In the first place the present law has worked satisfactorily on the whole for over a century and it is not proper to tamper too lightly with legislation unless all aspects of the effect of the change have been properly examined. It is all very well to use the expression "patni taluk" but I am sure those members of the Council who will consider this question calmly will at once realise that there are patni taluks and that all patni taluks are not alike. Some of these patni taluks were perhaps granted a long time ago when a good deal of the land was waste or fallow and at the present moment the margin of profit to the patnidar may be twice that of the zamindar. Again others might have been granted also many years ago in districts and in places where the land was already properly developed and where the zamindar's margin of profit was one-fifth or even one-tenth of that of the talukdar. That being so, without a proper examination it is difficult to generalise and to say what the effect will be on patni taluks generally. For example there is a well-known zamindari estate (I am speaking from memory) with a land revenue of about 40 lakhs of rupees, where the original as also the present margin of profit of the zamindar was very little, and perhaps the margin of profit of most of the talukdars was also small. In an estate like that delay in punctual payment of the patni rent may mean sale of the zamindari for arrears of land revenue. The patni system was devised in such estate even before the Patni Regulation was enacted in 1819 for the speedy collection of rent by splitting up the duties and responsibilities of collection amongst a number of persons. Take a case where a heavy land revenue has to be paid with a small margin of profit and see what will happen. There, according to the stipulation between patnidar and zamindar, the patnidar should pay punctually at least four times a year; if the patnidar does not pay his rent punctually according to the stipulated kists the zamindar has nevertheless to pay the revenue and cesses, kist by kist, out of his own pocket. At the end of the year the zamindar has the opportunity of selling the patni through the Collector but the patnidar gets one month's further time. The zamindar is out of pocket for more than a year. Now it is suggested that the patnidar should get another chance even if he does not pay after that one month. The resolution, if accepted, will give him a further chance of another 15 days and 5 per cent. compensation. That means that the man who has defaulted, the man who has not acted according to his contract, not only gets a year, he gets one month more under the present law, and under the present resolution he is to get another 15 days. In the meantime the zamindari may be sold for arrears of land revenue and cesses. That may have another effect. The effect may be that the intending purchasers may be scared away and a lesser price will be offered. But my friend says that a man gets 120 per cent. because by a

simple arithmetical calculation 5 per cent. for half a month multiplied by 24 no doubt comes to 120. But let us take a concrete case. Supposing a property is sold for Rs. 1,000 and many of the properties where the margin of profit is small do not fetch a very high price, 5 per cent. of Rs. 1,000 is only Rs. 50. When one takes into account travelling expenses and litigation and other incidental charges the amount is not really tempting. On the other hand if the value of a property is Rs. 50,000 5 per cent for 15 days will mean a considerable sum. I want to tell the House that this is not the way to get their grievances redressed. If you have any real grievance put your facts with more precision. If prima facie you put forward your facts with more precision it would be necessary for Government to consult its own officers, to consult the Board of Revenue on facts presented by those who want a change and to consult the Divisional Commissioners and the Collectors and also the other side, namely, the zamindars. Examining the problem with every care and sympathy as at present advised Government have no other alternative but to oppose the resolution.

There is another reason why Government is very loath to interfere. There are innumerable contracts based on that old Regulation of 1890, the contracting parties are those who are well able to take care of themselves. It is not a question which concerns the Government's revenue policy. It is a question between two people who are dealing at arm's length and who are capable of dealing with each other at arm's length. Why should Government suddenly interfere with contractual rights for which good consideration had presumably been paid without properly considering the case of the other side whose rights we are asked to deprive. If it were a case of protecting the agriculturists asking for occupancy rights other considerations would come in, but between a man who pays Rs. 20,000 as patni rent and another man who pays a lakh of rupees as Government revenue for a larger tract there is nothing much to choose and there is no reason why Government should lightly interfere.

The strongest points that could have been put forward and that have been put forward are two, one is based on the analogy of the provisions of the Civil Procedure Code that if under that Code you are allowed to pay the money with compensation within a month why should you not be allowed to pay it within 15 days as proposed in this resolution. There is an obvious difference. Suppose a man who has lent Rs. 2,000 to a particular individual gets a decree and is paid with 5 per cent. more at the end of a month, but that is an individual occasional transaction and there is no obligation there for the creditor to meet certain obligations, kist by kist, year after year, as is the case before us. In the case before us the creditor is on a different footing. I do not say for a moment that some feasible scheme cannot be devised after both sides have been properly consulted but I do say most emphatically that on the

information before us to-day there is no case for making any change. A patnidar has entered into a certain transaction with his eyes open as to the provisions of patni law; he knew that there was the law of summary sale; he ought to have known that if he were an honest debtor it was his duty to pay money kist by kist. A debtor may have an honest intention of paying but he may not be able to pay but he gets sufficient time to collect his rent and if he cannot collect he ought to raise the money and pay, particularly as he gets a year and a month for that purpose. Babu Hem Chandra Roy Choudhuri and some other hon'ble members have drawn a doletul picture of dishonest amlas and ideal and noble proprietors. Surely if it is known that there are dishonest amlas then the debtor should take particular care so as not to fall into their clutches. But there is the other side of the picture that the zamindar has got to pay his land revenue and cesses. What is to happen to him if he does not get his dues? Then again in a limited number of cases in certain districts the proposed change may affect collection of land revenue. Government cannot possibly agree to change a well established practice when such may affect punctual realisation of land revenue. Then again the proposed change will mean additional work to the Collector and his staff, overwhelmed as they are with work and the additional work will be of very little advantage to the State. I believe these petitions are filed with 8 annas or 12 annas or some such nominal court-fee, but if the Collector has to undertake this extra work no dobut a lot of time of the Collector and his staff will be taken up. From the Government point of view, therefore, without further examination the resolution cannot be accepted.

There are three suggestions. The above is so far as the first and second points of Babu Hem Chandra Roy Choudhuri are concerned. Then as regards his third point he proposes to amend section 15 of the Regulation so as to compel the zamindar to mutate the name of the auction-purchaser in the zamindar's sherista without demanding any security from such purchaser so as to entitle the new purchaser to apply direct to the Collector for delivery of possession without first approaching the zamindar for the same. This forms part of the patni Regulations, it is the very basis of the transaction and it would not be right to interfere with this. Government must oppose this third clause too. So we must oppose this resolution. I do not hold out any hope and I will not hold out any hope that Government will accept the resolution. All that I am prepared to say is that if any reasoned representation be submitted such representation will be carefully considered on its own merits.

5-45 p.m.

Babu HEM CHANDRA ROY CHOUDHURI: Sir, I am thankful for the suggestion of the Hon'ble Member that if a representation be

submitted to Government, full consideration will be given to it. But I submit, Sir, that this question is before the Government not for the first time now, it has been before Government for a very long time and Government have had sufficient time to come to a decision on this question. From the tenor of the speech of the Hon'ble Member it also appears that the Government is not ready to give a favourable consideration to such proposals. Sir, the Hon'ble Member has not followed the spirit in which this resolution has been brought. The Hon'ble Member has said many things about the profit of the zamindars and that of the patnidars and as regards speedy realisation of rents. Sir, it is no question of profit and loss; in my speech in moving the resolution, I have clearly stated that it is not my intention that the realisation of the zamindars' dues should be hampered. My resolution is a very simple and equitable one. The first part of the resolution deals with the right of the patnidars to pay the rent on the date of the sale. I think if the patnidars be empowered to pay their dues on the date of sale, the realisation of rent cannot be hampered. Under the present law zamindars are bound to accept their dues from the under-tenure-holders and hence what harm there may be, if the patnidars pay their dues on the date of sale before lots are knocked down. The Hon'ble Member has avoided this point and has not spoken a single word about it.

The argument against the second clause is that there will be lack of bidders, for a scope will be left for setting aside the sale But, Sir, the fact is—the Hon'ble Member has also pointed this out—that the profits of the patnidars are much more than those of the proprietors. The value of the patni taluqs has enormously increased, and it will therefore be the interest of anybody and everybody to try to purchase these taluqs at a very low price. If the zamindars' dues be paid within 15 days from the date of the sale, then of course, the sale will be set aside, but in that case also the purchaser will get a compensation of 5 per cent. The Hon'ble Member has told us that if for Rs. 1,000 only, a taluq be sold, the purchaser will get Rs. 50 only by way of compensation and hence that will hardly be a sufficient sum for alluring a public to bid at the sale. If anybody invests Rs. 1,000 for 15 days only and gets Rs. 50, i.e., 120 per cent. profit, that is certainly not a small amount, which will not allure anybody, to attend and bid at the sale. Under the present Regulation also zamindars have to wait for eight days after the sale. Under my proposed amendment, they will have to wait for seven days more. If within these 15 days, defaulters do not come over and pay zamindars' demands with compensation, the sale will be confirmed and the purchaser will get the property. I therefore think there is no chance of lack of bidders. It is a question of seven days only; by conceding these few days,

zamindars will only mitigate the stringency of the law, but the talukdars will thereby be greatly benefited.

Then, Sir, the Hon'ble Member has referred to another point, viz., at present the talukdars get one month's time for paying the zamindars' dues, because if the sale be held on the 1st of Agrahayan, arrears petition will have to be filed by the 1st of Kartic. I do not dispute that, but what about revenue sales. In revenue sales the proprietors get three months' time after the last date for payment, and according to the Bengal Tenancy Act and the Public Demands Recovery Act the judgment-debtors get a long time to pay the decretal amount. So I submit one month's time before sale is not sufficient for those who find it difficult to pay owing to there being sometimes many share-holders, and sometimes absentee talukdars, etc. Under my proposal, time will be extended for 15 days more but the zamindars would not suffer in any way, though the talukdars will get some advantage. Sir, the Hon'ble Member has referred to the Civil Procedure Code. In my speech I did not refer to the said Code. I referred to the Bengal Tenancy Act and the Public Demands Recovery Act and said that under those Acts the defaulters are allowed to pay the amount due on the date of sale. I ask why under this law defaulters should not be allowed that privilege. Another ground urged, against the proposal, by the Hon'ble Member is that the Collector's work will be increased. I submit, Sir, the Collector is a public servant and he should work in the interests of the public. If the Government think the present amount of court-fee not sufficient for Collector's work, the Government may increase the amount. So the plea that the Collector's work will be increased is groundless.

Then, Sir, another point raised by the Hon'ble Member is that contractual rights will be interfered with, but I fail to see how. For instance, a talukdar contracts with a zamindar that he will pay his annual rent, say, Rs. 12 in six kists how will this term of contract be interefered with, if the patnidars be allowed to pay the zamindars' dues on the date of sale.

Then as regards the third clause, the Hon'ble Member has only touched it, but he has not put forward any cogent ground why this proposal cannot be accepted. From the speech of the Hon'ble Member we learn that the profit of the patnidars is much more than that of the zamindars.

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of personal explanation, Sir. I never said this. What I said is that in some cases it is very much more and in some cases it is less. My point was that it was not uniform throughout the province.

Babu HEM CHANDRA ROY CHOUDHURI: It may not be uniform but there can be no gainsaying that the prices of patni taluqs have greatly increased. If these taluqs are put to sale, it cannot be conceived that they will not fetch half the annual rent due to the zamindars. If that is so, there can be no justification for demanding additional security.

Then, Sir, as regards the objection raised by Mr. Sarat Kumar Roy that the zamindars may not know the names of the purchasers, I fail to understand how such an argument may reasonably be put forward, for these taluqs are sold in the presence of the zamindars or their agents.

Sir, there are three or four resolutions of similar nature in the agenda. Sir, I may not press this resolution if I get a word from the Hon'ble Member that he will consider the demands made in it sympathetically. These resolutions may be taken as notices that there is a real grievance amongst the talukdars and if the Hon'ble Member gives us at least a word that he will consider these grievances and if possible will redress them, then of course we shall be satisfied

The Hon'ble Sir PROVASH CHUNDER MITTER: I regret I cannot add a single word to what I have already said. These resolutions are useless and the promise that I have already made is there.

6 p.m.

The motion of Babu Hem Chandra Roy Choudhuri was then put and a division taken with the following result:

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Mausher.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jotindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Maulvi Syed Osman Haider.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Das, Rai Sahadur Kamini Kumar.
Dutt, Rai Sahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Reverend B. A.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Khetter Mahan.
Rout, Babu Nagendra.
Roy, Babu Satyendra Nath.
Ray Choudhuri, Babu Hem Chandra.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sircar, Dr. Sir Nilratan.
Suhrawardy, Mr. H. S.

NOES.

Bal, Babu Lalit Kumar.	Marr, the Hon'ble Mr. A.
Bal, Mr. Sarat Chandra.	McCluskie, Mr. E. T.
Banarji, Rai Bahadur Keshab Chandra.	Mittra, Babu Sarat Chandra.
Barma, Rai Sahib Panchanan.	Mitter, the Hon'ble Sir Prevash Chunder.
Basir Uddin, Maulvi Mohammed.	Nazimuddin, the Hon'ble Mr. Khwaja.
Blandy, Mr. E. N.	Nelson, Mr. J. W.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.	Ordish, Mr. J. E.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.	Pinnell, Mr. L. G.
Clark, Mr. I. A.	Poddar, Mr. Ananda Mohan.
Cohen, Mr. D. J.	Prentice, the Hon'ble Mr. W. D. R.
Das, Babu Satyendra Kumar.	Raikat, Mr. Prosanna Deb.
Dash, Mr. A. J.	Rai Mahasai, Munindra Deb.
Bassen, Mr. G. A.	Ray, Babu Nagendra Narayan.
Faroqui, the Hon'ble Khan Bahadur K. G. M.	Ray Chowdhury, Babu Satish Chandra.
Forrester, Mr. J. Campbell.	Roy, Mr. Saileswar Singh.
Ganguli, Rai Bahadur Susil Kumar.	Ray, Mr. Sarat Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.	Sarkar, Sir Jadunath.
Guha, Babu Profulla Kumar.	Sarker, Rai Sahib Rebati Mohan.
Gurner, Mr. C. W.	Sen, Rai Sahib Akshoy Kumar.
Hegg, Mr. G. P.	Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Hopkyns, Mr. W. S.	Stapleton, Mr. H. E.
Hussain, Maulvi Latafat.	Steen, Lt.-Col. H. S.
Maguire, Mr. L. T.	Stevens, Mr. H. S. E.
	Thompson, Mr. W. H.
	Travers, Mr. W. L.
	Twynam, Mr. H. J.

The Ayes being 40 and the Noes 49, the motion was lost.

Carmichael Medical College and Hospital, Belgachia.

Reverend B. A. NAG: Mr. President, Sir, I beg to move that this Council recommends to the Government to raise the recurring grant to the Carmichael Medical College and Hospital, Belgachia, from Rs. 50,000 to Rs. 1,00,000 per annum.

In moving this resolution I have been greatly encouraged by the intention of Government expressed through the Ministry of Self-Government at the last budget discussion when the then Hon'ble Minister, Kumar Shib Shekhareswar Ray, said: "There is a feeling in the country that we are neglecting the Carmichael Medical College. This is not so. No Indian minister in charge of the Medical Department," he said, "can fail to feel proud of the Carmichael Medical College." The Hon'ble Minister further added: "The college certainly deserves a more liberal financial help from Government." Encouraged by this statement I have approached you with a humble request—a request which I believe has the support of the whole Council—namely, that the annual grant to the Carmichael College be increased from Rs. 50,000 to a lakh.

I feel sure that there is not a single member of this Council who has visited the Carmichael College or read its report who does not feel proud of this institution—proud of the self-sacrificing services of the eminent Indian doctors, and, if possible, prouder still of their

achievements in connection with this institution. If there are members, Indian or European, who have not yet visited the college and its hospital, I would humbly request them to pay an early visit to them.

The names of such eminent Indian doctors as Sir Nilratan Sircar, Dr. Kedar Nath Das, Dr. Bidhan Chandra Roy, Dr. Mrigendra Nath Mitter, Dr. L. M. Banerji and many others associated with the college and its hospital were a sure prophecy of immediate and all round success and that prophecy has been fulfilled.

The Government Medical College was established in 1857 and for nearly half a century it provided adequate facilities for higher medical education in the province. From the beginning of the present century, however, it was increasingly felt that these facilities and the accommodation in the college were inadequate to meet the growing needs of the province and the increased demand for higher medical education. The proposal for a second medical college was mooted at this time and the authorities of the Albert Victor Hospital prepared in 1913 a scheme for raising their institution to a first grade college affiliated to the University and submitted it to the Government. Informal discussions took place between the promoters of the scheme and Colonel Edwards on behalf of Government, and in April 1915 the scheme received Government sanction. The need for a second medical college was admitted by Government in their resolution sanctioning the scheme. The resolution runs thus: "The fact still remains that the number of candidates for the higher branches of medical education is limited by the accommodation provided in the college and it is impossible to increase this accommodation without the provision of another college." They also admitted in the same resolution that—"for the success of the scheme very considerable assistance, both initial and recurring, will be required."

The college with its hospital was established a little over 13 years ago with provision for teaching 300 students and maintaining 100 beds. But so great has been its popularity that within this short period of its existence the number of students has risen to 586 and the number of beds to 330. And the number of patients getting medical relief in the in-door and out-door hospitals are over one lakh and twenty thousands annually. The names of these eminent doctors attract patients not merely from the city of Calcutta but from the remotest corners of the province. When the institution was started, the estimated annual recurring expenditure was Rs. 1,20,000.

6-15 p.m.

To meet this annual expenditure Government made an annual recurring grant of Rs. 50,000, the Corporation made an annual recurring grant of Rs. 30,000, the balance was to be met from students' fees and other sources. During the brief period of 13 years the students' annual

fees have been increased from Rs. 125 to Rs. 200 a year—by no means a small increase for students. The annual income from endowment fund has increased from Rs. 4,000 to Rs. 25,000. In fact, the income from other sources than Government has increased from about Rs. 60,000 to Rs. 3 lakhs annually. The Corporation of Calcutta have increased their grant from Rs. 30,000 to Rs. 50,000. But Government, whose generous annual recurring grant of Rs. 50,000 was, in my humble opinion, correctly interpreted as a promise for increased grant when the increased expenditure demanded it, has not increased its grant. I would not have appealed to Government for money at a time like this, but I am doing so under compelling circumstances. The annual recurring expenditure of the college has increased from Rs. 1,20,000 to over Rs. 3 lakhs and fifty thousand, leaving every year a deficit of about Rs. 50,000.

A growing teaching institution, relying mainly on public support, can never be well-off. The Belgachia College was further saddled with a big hospital, in which the number of beds had to be increased rapidly, not because more donations and endowments came, but because the conditions laid down by the British General Medical Council had to be fulfilled. The financial position of the institution was thus described by Colonel R. A. Needham and Sir Norman Walker in their joint inspection report on behalf of the British General Medical Council: "The plain fact emerges from the information placed at our disposal and also from our own observations that never since the establishment has this college received adequate financial support to enable it to fulfil to its satisfaction, its obligations as a teaching academic centre affiliated to the University. The original endowments are comparatively small, and the annual income which is largely made up of grants from the Government of Bengal and the Corporation of Calcutta is insufficient for the growing needs of a teaching institution." In order to give an idea of the expenses of an up-to-date medical college, it may be mentioned that in the year 1927, Government spent Rs. 5,58,000 for the Calcutta Medical College, whereas the Carmichael Medical College for a similar work had to limit itself to only Rs. 1,47,000. The hospitals attached to the Calcutta Medical College having about 650 beds, spent Rs. 10,66,000. The Carmichael Medical College Hospitals with 330 beds had to restrict the expenditure to Rs. 1,66,000. The visitors on behalf of the General Medical Council of Great Britain and the inspectors of the University of Calcutta have repeatedly mentioned that the institution has always been suffering from lack of funds and that the grants are insufficient for the growing needs of a teaching institution.

I therefore appeal to the Hon'ble Minister in charge of the department to accept this resolution and make provision for increased grant from this year. I fear I may be told that there is no money

and that all the available money has been swallowed up by the Jail and Police Departments. Sir, I would like to remind Government of the words of a great man with slight liberty with the letter though not the spirit of his statement: "Though I build comfortable prisons for respectable prisoners, though I provide adequate police force for the protection of the oppressed and have not charity, I am become as sounding brass or a tinkling cymbal." I am sure the Hon'ble Minister and the Hon'ble Mr. Marr will not permit that to be said of the Government of Bengal with reference to this most charitable resolution before the Council.

Dr. Sir NILRATAN SIRCAR: Sir, I am very grateful to my friend the Reverend Mr. B. A. Nag for drawing the attention of the House and that of Government to the case of the Carmichael Medical College. He has given us in some detail the financial position of the college. I would not tire the patience of the House by drawing its attention to more minute details. We, representing the Carmichael Medical College are very grateful to Government for giving us every year Rs. 50,000 as a recurring grant. We are also very grateful to the Corporation of Calcutta, who have recently increased their annual grant from Rs. 30,000 to Rs. 50,000. At the present moment, however, knowing fully well on the one hand the financial difficulties of Government, we find on the other that we have no option but to appeal to the Government for a little more financial help. Our financial difficulties are otherwise insuperable. Year after year, our budget estimates have been balanced by negative figures, and this year our budget shows the negative figure of Rs. 77,000 for balancing the expenditure and the receipts.

Sir, at present our crying needs relate to four different items. The first item relates to the immediate necessity of some additional beds. I admit that this is not the time to multiply beds, but under the pressure of necessity we have to provide accommodation for an increasing number of accident cases, chiefly due to motor traffic. On some days there are as many as three or four badly-injured victims brought there. And it would be sheer cruelty to refuse admission to any of them. Then, again, the public eye, which is very much critical, is always turned towards us. If a word of refusal comes from any hospital, whatever might be the reason—whether it be want of accommodation or whether it be sometimes of resources—the authorities are severely criticised. We are not very much nervous in such matters. We feel, however, that we must have accommodation for at least 10 accident cases.

Then, again, Calcutta is spreading rapidly towards the north and the east, and as a result the Carmichael Medical College Hospitals get

from these quarters a large number of patients suffering from infectious diseases—such as cholera, diphtheria, consumption, dysentery, etc.—which have to be treated not in general wards but in special wards; and it has become a matter of urgency with the hospital to make provision for at least 10 such cases. So, altogether we have to add at least 20 new beds in order to meet these emergencies.

There is another item which is perhaps more important than any other viz., nursing. In these times it would be, I should say, a folly to run a hospital without the help of good and efficient nurses. We have on our staff 12 staff nurses, who are paid, and one matron, to look after more or less 325 patients, the number of beds being 325. We have also some probationer nurses. They are, of course, not well trained, but under training and so not quite dependable. They are pupil nurses, but we have to retain a fairly large staff of probationer nurses—numbering about 43—and we have to pay some allowance to each of them also. Altogether, we have 55 nurses on our staff. We have got to increase the number of staff nurses, as well as that of the probationer nurses, for the purpose of running the hospital with efficient nursing.

Then there is another very important item—I mean the question of an increment to the staff. Well, we have altogether 81 medical men on our staff—23 in the hospital and 58 in the college. The pay of these men come up to about Rs. 1,21,000 per annum in round figures. It should be remembered that out of this sum a large amount, about Rs. 40,000, has to be paid to a very small number of paid whole-time professors of scientific subjects.

The remaining sum represents the total salary of the large number of officers including those who serve as assistant professors, lecturers, demonstrators, laboratory assistants, house surgeons and house physicians. There is a considerable number of members of the higher staff who serve on only a very small honorarium; there are some who pay as subscription a higher sum than the honorarium received. But the junior staff is under great pecuniary difficulty. The time has come when, in order to keep the staff contented, we must pay the junior staff a larger rate of honorarium and hold out prospects of some improvement in the future.

Then there is another item, viz., the repairs of the buildings. I had no doubt my fellow-members will generally agree with me as to the necessity of this provision; but some of them will also, I am afraid, accuse me of negligence in regard of maintenance of public property in good condition. My excuse is that for want of funds we could not take in hand any repair work. We have house property worth about 15 lakhs of rupees and I hesitate to quote here a set of ridiculously low figures that we could allot for repairs. During the last year only

Rs. 5,000 was provided in the budget, but even this we could not spend for want of funds. We spent only Rs. 1,200 or Rs. 1,300. Any engineer would say that at one per cent. of the total value should be the ordinary sum required for this purpose. We, therefore, require at least Rs. 15,000 a year. Early steps must be taken for developing and consolidating the nursing staff and the teaching and hospital staff. We must add at least 20 beds on account of infectious disease cases immediately. We must repair our buildings before it is too late. These are our pressing needs.

I shall not detain the Council any longer. We know that Government are in deficit but our necessity is great and we have no other choice than to approach the Government and the Hon'ble the Minister-in-charge with an earnest prayer for an additional annual grant of fifty thousand rupees for the institution.

Rai Bahadur KESHAB CHANDRA BANARJI: Mr. President, Sir, I beg to support the resolution which has been so ably moved by the Reverend Mr. B. A. Nag. Sir, three quarters of a century ago the Calcutta Medical College was affiliated to the University of Calcutta. Towards the close of the last century it began to be felt that one medical college was unable to cope with the requirements of the people, Government being unwilling to shoulder fresh responsibilities by opening another medical institution. Some prominent men of Bengal, as has already been stated by the Reverend Mr. Nag, recognised the importance of the question and approached Government for financial assistance. After protracted deliberations Government agreed to help the promoters in establishing the Carmichael Medical College and its attached hospital in 1916. The total expenditure was then estimated at Rs. 1,25,000. Of this amount Government offered to contribute Rs. 50,000. The Corporation of Calcutta also came up with their share of the contribution amounting to Rs. 30,000 and the balance was met from the fee income of students and other sources. Depending on these sources of income, the college was started with Government and public help amounting to Rs. 13 lakhs.

That there is a growing demand for medical education in this country will be evident from the number of medical schools that have been established in the different parts of Bengal during the last few years. These medical institutions are by no means adequate. This institution can be said to be one of provincial importance, as will be quite evident from the fact that it imparts higher medical education to a large number of students hailing from other provinces also. It provides medical treatment for patients from all parts of the country. While public contribution to the institution has increased to a considerable extent during the last 14 years, Government subsidy has remained

the same. I may add, Sir, that it was only on Tuesday last that this Council voted an additional sum of about Rs. 9 lakhs to meet additional expenditure on police administration. It will perhaps be recognised that the increased activities of the police have necessitated a corresponding increase in the accommodation and equipment of hospitals all over Bengal. Sir, our demand is a very modest one, and I hope that in view of the urgency of the question the House will give its unstinted support to the resolution.

Mr. J. CAMPBELL FORRESTER: I would say just a word on this resolution. I am not going to deal with the question of finance of this hospital or that but on the great and broad principles of humanity. When we see that this country is suffering so much from disease, etc., and where you have not sufficient medical men to go round to attend the sick, the only remedy seems to be in the hands of Government to go on extending its hospitals, to go on giving relief until a remedy is found of this unfortunate condition of affairs. I do not quite agree with my friend, the Reverend Mr. Nag when he endeavours to gain his point by pointing out that this hospital has got so much more than that hospital. I say that it is the duty of Government to go on extending its medical institutions and providing medical relief for the great suffering humanity. There is a hospital with which I am associated and which is in need of funds, but I am not going into its merits and say that it is more deserving of support than this or that hospital. I hope the Council will pass the resolution and do it in no niggardly fashion.

Rai Bahadur Dr. HARIDHAN DUTT: I rise to support the resolution moved by my friend the Reverend Mr Nag, which has also been supported by Sir Nilratan Sircar and some other speakers who have preceded me. Sir, I think that the obligations that devolve upon Government to look to the medical requirements of the citizens of Calcutta have not been adequately discharged. It is a well known fact that some time ago the Corporation of Calcutta and the Government of Bengal corresponded with each other as to who should be responsible for adequate medical provision in this city. There was a class or school of public men who thought that the Corporation of Calcutta and the Government of Bengal should share between them the obligations of looking after the medical requirements of the citizens of Calcutta. On the other hand there was a school of opinion that the obligation to meet the medical requirements of the citizens of Calcutta was entirely the Government's. It must be said to the credit of those who were at the helm of affairs in the Corporation that during the last 6 years they

accepted the compromise of undertaking to maintain hospitals and medical institutions within the city of Calcutta, although it was not their primary obligation. They extended their obligations in connection with the medical treatment for the citizens of Calcutta much more than they were required to do under the Act. My swarajist friends in the Corporation, however much exception might be taken to some of their works————

Mr. PRESIDENT: We are not concerned with that.

Rai Bahadur Dr. HARIDHAN DUTT: I am not commenting on what they have done in the Corporation but I intend to give them credit for having done more for the medical requirements of the citizens of Calcutta than what they are obliged to do under the Act. My inference from this is that Government also should realise the gravity of the situation and they should also try to meet the obligations that are upon them. Instead of doing that, their reluctance to increase the grant they are already making to Carmichael Hospital is not only a matter of surprise but of shame.

Sir, the Carmichael Medical College is an institution which I may say, is the pride of Bengal. We look upon the Calcutta Medical College Hospital as a magnificent institution. It has been doing immense service to the citizens of Calcutta; but, at what cost? I have not the figures before me at the present moment, but if anybody cares to go into the figures he will find that a pretty large sum is expended on its upkeep. The Carmichael Hospital is maintained much more economically. I think the sums expended on these two institutions bear hardly any comparison. However the Carmichael College Hospital has during the last few years spread to such an extent that it has acquired a provincial fame, and it is now making a claim with sufficient justification for help and support as much as the Calcutta Medical College Hospital. That being so, could not the Government rise equal to the occasion and increase their contribution from Rs. 50,000 to a lakh of rupees per annum. I think, Sir, at the present moment there is still dearth of medical accommodation in Calcutta for the sick and the afflicted. We know that every day in the streets of Calcutta a large number of accidents occur. The victims are taken in ambulance cars from hospital to hospital and the people in charge of these cars will tell you that they have to go from one hospital to another only to find admission refused for want of accommodation. It is only a matter of chance and I may say, of good fortune, if they can find accommodation in the third or fourth hospital after knocking from one to another. I have known this from my own personal experience and

I have found a man has to go from hospital to hospital till he can get an admission. It is true that during the last few years the number of institutions has increased, but at the same time the requirements of the people have also very much increased. People now have more faith in these hospitals and they are flocking to them more and more.

Sir, I remember when I was a young student——

Adjournment.

Mr. PRESIDENT: Order, order. The Council stands adjourned now till 3 p.m., on Monday, the 18th August, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 18th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 104 nominated and elected members.

Oath or affirmation.

The following member made an affirmation of his allegiance to the Crown:—

Mr. S. K. Haldar.

Starred Questions

(to which oral answers were given).

Accommodation of prisoners in the Midnapore Central Jail.

***72. Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state

(*i*) the capacity for the accommodation of prisoners in the Midnapore Central Jail and whether such capacity has been exceeded; if so, by how much;

(*ii*) whether such excess is due to the influx of political prisoners;

(*iii*) whether it is a fact that these political prisoners have been accommodated in temporary sheds in the compound of the jail?

(*b*) Is it a fact that under-trial prisoners are kept in condemned cells?

(*c*) Is it a fact that these cells have hardly any access to air and light?

(*d*) Is it a fact that the majority of the political prisoners in Midnapore Central Jail are treated as "C" class and that the diet supplied to them is quite unsuitable and has caused bowel complaints and consequent reduction in weight in many cases?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state what action have the Government taken in the matter?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*)—

	Registered accommodation.	Excess.
Convicted	... 1,143	632
Under-trial	... 72	139

(*ii*) If by political prisoners the member means to refer to prisoners admitted to jail for offences connected with the civil disobedience movement, the answer is yes.

(*iii*) No prisoners are at present accommodated in temporary sheds.

(*b*) No. They do however occupy some of the ordinary cells.

(*c*) No. The cells are properly designed and healthy and the prisoners have proper facilities for taking exercise in the yard.

(*d*) The majority of prisoners in the jail are in Division III. They are dieted according to the rules and the last weighment return shows that 48·83 per cent. of the non-habitual prisoners in Division III are gaining weight.

(*e*) The Superintendent of the Jail, in consultation with the medical officer, has powers to vary the diet under the Jail Code Rules where necessary, and all Superintendents have been instructed by the Inspector-General accordingly.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether he has any objection to release those prisoners who are in excess of the number to be accommodated?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state if it is not possible to find suitable accommodation for the additional prisoners by hiring buildings or converting schools into jails?

The Hon'ble Sir PROVASH CHUNDER MITTER: Additional accommodation is being found. Four additional jails have been opened and other jails are going to be opened.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state if it is a fact that some of the persons who broke the laws were arrested and were released before they were taken to jail?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no information on the subject.

Mr. SYAMAPROSAD MOOKERJEE: With reference to answer (*e*), will the Hon'ble Member be pleased to state the reason why, although the Superintendent of Jail had adequate powers under the jail rules, no action was taken by him in due time?

The Hon'ble Sir PROVASH CHUNDER MITTER: Action is being taken in due time, as according to his judgment action becomes necessary.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether it is a fact that the Superintendent of Jail took necessary action only after he received the orders from the Inspector-General on the subject?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not think so; but it may be quite possible that after pointed attention was drawn by the Inspector-General, action on a larger scale was taken by the Superintendent. As there are audit difficulties, Superintendents are anxious not to create audit trouble.

Dredger Yard extension at Belghoria by Eastern Bengal Railway.

***73. Babu PROFULLA KUMAR CUHA:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that lands have been acquired by the Government for the Eastern Bengal Railway within the North Dum Dum Municipality?

(*b*) Is it a fact that no compensation has been paid to the parties whose lands have been acquired?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for the delay in non-payment of compensation, although borrow-pits have already been dug on those lands by the said Eastern Bengal Railway?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*), (*b*) and (*c*) Lands are under acquisition for the extension of the Dredger Yard at Belghoria within the North Dum Dum Municipality. The work being urgent the railway amicably took possession of some portion of the area from the occupants, prior to formal acquisition, after duly compensating them for the loss. After awards under the Land Acquisition Act, compensation for the land will be paid.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether amicable possession was taken against the wishes of the occupants?

The Hon'ble Sir PROVASH CHUNDER MITTER: It cannot be against their wishes.

Military area of the abandoned fort at Diamond Harbour.

*74. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state if, after the abandonment of the fort at Diamond Harbour, the lands erstwhile included in the military area have been transferred to the Government of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government intend leasing out the area? If so, when?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No.

(*b*) Does not arise.

Steamer fare from Calcutta to Ghatal.

*75. **Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state whether the Calcutta Steam Navigation Company contemplate the reduction of the rate of third class fares from Calcutta to Ghatal which have recently been doubled?

(*b*) If the answer to (*a*) is in the negative, are the Government considering the desirability of drawing the attention of the Company to the matter?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) the Company state that the third class steamer fare from Calcutta to Ghatal has remained unchanged since 1920.

(*b*) The question does not arise in view of the answer to (*a*).

Surrender of firearms.

*78. **Mr. SHANTI SHEKHARESWAR ROY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the number of Hindus and the number of non-Hindus in Bengal who have been asked to surrender their firearms which they held under a licence during the last four months?

(*b*) Is the Hon'ble Member aware that such action has caused great dissatisfaction among the people concerned?

(*c*) Is the Hon'ble Member also aware of a feeling that exists that the local authorities in certain places have failed to give adequate protection to the people?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Hindus 1,104; non-Hindus 161.

(*b*) No, save among a section of those whose firearms have been surrendered.

(*c*) Yes, but so far as Government are aware it does not arise from the surrender of firearms.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether Government apprehended a general armed rising in the country?

The Hon'ble Mr. W. D. R. PRENTICE: I submit, Sir, that that question does not arise.

Mr. PRESIDENT: The Hon'ble Member has replied that firearms have been surrendered. Why cannot the questioner ask if firearms have been taken away from the possessors in apprehension of a general armed rising?

The Hon'ble Mr. W. D. R. PRENTICE: The first question was: "How many were asked to surrender their firearms?" and I have answered it by stating the number. The next question was whether that was done in expectation of an armed rising and I have replied that I submit that it did not arise out of the question.

Mr. PRESIDENT: I think what the questioner wants to know is whether any pressure was brought to bear upon the possessors of firearms in apprehension of any armed rising. The question is admissible.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether a license is issued to any person only after an inquiry is made as regards his respectability or not?

The Hon'ble Mr. W. D. R. PRENTICE: That inquiry is always made.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state what is the ratio of guns surrendered to guns in possession?

The Hon'ble Mr. W. D. R. PRENTICE: That information is not available.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether those persons who have been asked to surrender guns have been asked to do so temporarily?

The Hon'ble Mr. W. D. R. PRENTICE: I have given the figures, but I am afraid I cannot make a statement on this point.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to inform us whether the 1,104 Hindus and 161 non-Hindus are non-officials or whether there are any officials amongst them?

The Hon'ble Mr. W. D. R. PRENTICE: I have got the figures but not the details.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state the reason for which the license-holders were asked to surrender their firearms?

The Hon'ble Mr. W. D. R. PRENTICE: As I have said, these are figures for the whole of Bengal and I am unable to give any more facts.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state how many of these guns were seized in connection with riotous occurrences?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will see the answer to unstarred question No. 109, he will have some information about it.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether in any of these cases of surrender there were charges of abuse or fraud against the possessors of the guns or were they forced to surrender the guns merely on suspicion?

The Hon'ble Mr. W. D. R. PRENTICE: As I have said, I have no details on the subject.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether the guns were surrendered merely on suspicion and without any charge of fraud or abuse?

Mr. PRESIDENT: The Hon'ble Member has said that he is not in a position to answer it.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether he will be able to supply information about any specific case?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will specify any particular case, I shall see whether any information can be obtained. It is perfectly impossible to state the reasons for the 1,265 cases of surrender.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state if the Government had received any general request asking the authorities to take action in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: Not so far as I am aware.

Ladies' procession at Carpar, Calcutta.

***77. Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware that on the 25th July last a large number of ladies were prevented by the police from going out in procession from Garpar Road, Calcutta?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether he is aware that on that occasion physical force was applied against the ladies?

(*c*) Is the Hon'ble Member aware that the ladies were kept surrounded on all sides from 5 o'clock in the evening till 1 o'clock in the morning and were not allowed even water to drink during that period which was brought by their relations and friends?

(*d*) Is the Hon'ble Member also aware that Mr. Gordon, the Deputy Commissioner, personally threw away a cup of milk which was handed over by the father of a child aged 3 for giving it to the child who was with the mother and was with her, being a member of the party, kept surrounded by the police?

(*e*) Will the Hon'ble Member be pleased to state whether this action of the police had the approval of Government?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) Except that the ladies were prevented by a cordon from going in a procession, no force was used against them.

(*c*) The women were told that they could disperse by twos and threes but could not proceed in procession. They refused to disperse and were surrounded till 1 a.m. when they did disperse.

(*d*) No.

(*e*) Yes. They showed both firmness and patience in a trying situation.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state with reference to question (*c*) whether Government approve of the action of the officers in not allowing the ladies any drinking water during this period?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid that the answer does not cover this point, but I doubt whether the allegation is true.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state why there is no answer to that part of the question?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I made a mistake in not noticing that the reply I have given did not answer the question entirely.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether the answer to (*d*) is based on the result of an inquiry made from the Deputy Commissioner of Police?

The Hon'ble Mr. W. D. R. PRENTICE: It is based on the report of the Commissioner of Police.

Mr. SYAMAPROSAD MOOKERJEE: With reference to answer (*e*), will the Hon'ble Member be pleased to state if the Government is of opinion that the police showed any tact?

Mr. PRESIDENT: That is a matter of opinion.

Mr. NARENDRA KUMAR BASU: With reference to question (*e*), "Whether this action of the police had the approval of Government," and in view of the statement in answer to (*d*) that this particular occurrence did not take place, will the Hon'ble Member be pleased to state what is the action Government is approving of?

The Hon'ble Mr. W. D. R. PRENTICE: The police had to deal with a very difficult situation.

Accommodation of prisoners in jails.

***78. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to lay on the table a statement showing at present—

(*i*) the exact number of political prisoners in different jails of Bengal;

(*ii*) how many of them have been classified as—

(*1*) "A" Class prisoners,

(*2*) "B" Class prisoners, and

(*3*) "C" Class prisoners

showing the figures separately in each district of Bengal;

(*iii*) how many of them are males; and

(*iv*) how many of them are females?

(*b*) Is it a fact that all the jails are now overcrowded?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what steps do the Government propose to take in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) If by political prisoners the member means to refer to prisoners admitted to jail for offences connected with the civil disobedience movement then the most recent estimate of persons together with their distribution is contained in the statement which is laid on the table.

(*ii*), (*iii*) and (*iv*) This is indicated in the statement.

(*b*) Yes.

(*c*) The requisite additional accommodation is being provided by the establishment of temporary and camp jails.

Statement showing figures as they stood on 2nd August, 1930, referred to in the answer to clause (a) of starred question No. 78.

Jails.	Division I convicts.		Division II convicts		Division III convicts.		Total of Divisions I, II and III convicts.	
	Male.	Female.	Male.	Female.	Male.	Female.	Male.	Female.
1. Burdwan.. ..	11	..	..	..	150	..	161	..
2. Suri	..	..	..	..	73	..	73	..
3. Bankura ..	..	..	..	..	..	..	..	..
4. Midnapore Central .	5	..	15	..	923	1	943	1
5. Hooghly	..	..	3	..	101	..	104	..
6. Howrah	..	..	..	..	..	..	..	..
7. Alipore Central ..	279	..	47	..	240	..	566	..
8. Presidency ..	..	19	..	..	609	8	609	27
9. Krishnagar ..	9	..	..	..	125	..	134	..
10. Berhampore ..	2	..	41	..	58	..	101	..
11. Jessore .. .	1	..	3	..	64	..	68	..
12. Khulna	3	..	1	..	65	..	69	..
13. Rajshahi Central .	6	..	1	..	153	..	160	..
14. Dinajpur ..	1	..	..	..	15	..	16	.
15. Jalpaiguri ..	..	..	7	..	28	.	35	..
16. Darjeeling ..	..	..	2	..		..	2	..
17. Rangpur .	..	..	..	..	97	..	97	..
18. Bogra	..	..	..	..	4	..	4	..
19. Pabna	5	..	..	..	34	.	39	..
20. Dacca Central ..	2	..	6	..	127	..	135	..
21. Mymensingh ..	22	..	57	..	148	..	227	..
22. Faridpur ..	17	..	7	..	44	..	68	.
23. Barisal	1	..	16	..	63	..	80	..
24. Comilla	26	..	5	..	3	..	34	..
25. Chittagong ..	..	..	7	..	..	..	7	..
26. Dum Dum Special ..	352	..	211	..	..	..	563	..
Total for all jails ..	742	19	429	..	3,124	9	4,295	28
GRAND TOTAL ..	..	..	..	..	..	..	4,323	..

Dacca riot.

***79. Rai Bahadur KESHAB CHANDRA BANARJI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether there is any list of the goondas and bad characters in the Dacca City prepared by the police?

(*b*) Is it a fact that about 150 goondas were arrested in one day soon after the Dacca riots of 1926?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state why similar action was not taken during the recent riots at Dacca to check further developments?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) No, but there were several round-ups on consecutive nights during the riots and most of the known bad characters were caught.

(*c*) Similar action was taken as several efforts were made to round-up known bad characters but failed as the bad characters were not found in their usual haunts.

Rai Bahadur KESHAB CHANDRA BANARJI: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether it is a fact that retired Inspector, Babu N. C. Bhattacharji, made a statement before the official enquiry committee, that in 1926, 150 goondas were arrested in the course of a day?

The Hon'ble Mr. W. D. R. PRENTICE: I have not seen the evidence that was given before that Committee.

Babu Surjya Kumar Som of Mymensingh.

*80. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) whether Babu Surjya Kumar Som, a leading pleader of the Mymensingh Bar, was arrested and convicted under the Ordinance Act and section 117, Indian Penal Code, on 26th July, 1930;

(*ii*) whether he is treated as an "A" class prisoner;

(*iii*) whether it is a fact that the said Babu Surjya Kumar Som was handcuffed and brought on foot on the 26th July, 1930, from the Mymensingh Jail to the court of Subdivisional Officer, Sadar (South), Mymensingh, covering a distance of about two miles?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for doing so?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Yes.

(*ii*) He is being treated as a Division I prisoner pending final classification.

(*iii*) Yes.

(*b*) This was due to the mistake made in not informing the escort that he was a Division I prisoner.

Mr. NARENDRA KUMAR BASU: With reference to (*d*), will the Hon'ble Member be pleased to state whether Government has taken any action against the person who made this mistake?

The Hon'ble Mr. W. D. R. PRENTICE: Not that I am aware of.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether he proposes to take any action?

The Hon'ble Mr. W. D. R. PRENTICE: The question whether action should be taken or not is not for me to decide, as the department concerned is not in my charge.

Maulvi ABDUL HAKIM: Will the Hon'ble Member be pleased to tell us who is the proper person for carrying this information to the escort?

The Hon'ble Mr. W. D. R. PRENTICE: As far as I am aware, it is the jail staff that tell the escort what the arrested men are.

Inspection of Government-aided schools under the Industries Department.

*81. **Kazi EMDADUL HOQUE:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a list of Government and aided schools under the Industries Department showing—

(*i*) the dates on which they were visited during the last three years (1927 to 1929) by the officers of the department;

(*ii*) the names of the officers who inspected the schools;

(*iii*) the designation of the staff who accompanied the officers;

(*iv*) the purpose of each visit; and

(*v*) the total cost incurred for each of these visits?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*i*) to (*v*) A statement is laid on the library table. The cost of visit has been shown separately for each school as far as possible, but in cases when more than one school was visited at a time in one direction it has not been possible to apportion the cost of each visit.

Arrested lady picketers and the Lalbazar lock-up.

***82. Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that ladies arrested for picketing are kept in the Lalbazar lock-up; and

(*ii*) that there is no suitable provision for them?

(*b*) Is the Hon'ble Member aware that such under-trial prisoners are not allowed food to be given to them by their relations?

(*c*) Will the Hon'ble Member be pleased to state whether food and cloth from their homes are, under the lock-up rules, allowed to prisoners?

(*d*) Is the Hon'ble Member aware that ladies arrested are packed inside the prison-van along with the policemen on their way to the Lalbazar lock-up and to the court?

(*e*) Is the Hon'ble Member aware that the room where the ladies were locked up on the 26th and 27th July was not big enough to afford even sitting accommodation to the ladies, some of whom were kept in the lock-up for over 24 hours?

(*f*) Will the Hon'ble Member be pleased to state whether the rules allow that the persons who are arrested, particularly ladies, on Saturdays should be kept in Lalbazar for over 24 hours till Mondays when they appear before the court for trial?

(*g*) If the answer to (*f*) is in the affirmative, are the Government considering the desirability of altering the rules.

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Yes.

(*ii*) The lock-up requires rebuilding.

(*b*) Yes.

(*c*) The rules do not allow it.

(*d*) A police escort accompanied the prison-van.

(*e*) No; the capacity of the room was sufficient.

(*f*) Yes; prisoners charged with non-bailable offences and prisoners in custody in default of bail are detained in the lock-up until the first working day of the courts.

(*g*) No.

Mr. SYAMAPROSAD MOOKERJEE: With reference to answer to (*a*) (*ii*), will the Hon'ble Member be pleased to state whether he thinks there is any suitable provision for the ladies arrested?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state what he means by saying that the lock-up requires re-building?

The Hon'ble Mr. W. D. R. PRENTICE: There is a lock-up for females in Lalbazar upstairs, but the women, who have been arrested, created an immense amount of trouble and have been refusing to go to the lock-up upstairs. So the lock-up downstairs, which was not originally meant for female prisoners, has been used for them.

Mr. SYAMAPROSAD MOOKERJEE: Does not the Hon'ble Member agree that the room was unsuitable?

The Hon'ble Mr. W. D. R. PRENTICE: I have already said that it was not intended for female prisoners.

Mr. SYAMAPROSAD MOOKERJEE: With reference to answer (*e*), will the Hon'ble Member be pleased to state what was the area of the room?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I must ask for notice of that.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state what was the number of persons kept in that room?

The Hon'ble Mr. W. D. R. PRENTICE: I must have notice of that.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to issue instructions that all possible considerations should be shown to lady picketers who are kept in lock-up?

The Hon'ble Mr. W. D. R. PRENTICE: Such instructions are unnecessary. All possible consideration is shown to them.

Gun licenses in Dacca.

*83. **Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the district of Dacca—

(*i*) how many arms licenses were granted at the beginning of the year 1930;

(*ii*) how many licenses were cancelled during the recent Dacca riots, giving the figures separately in the cases of Hindus and Muhammadans; and

(*iii*) how many arms have been taken away without previous cancellation?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) 4,154.

(*ii*) None.

(*iii*) 14, of which 5 were weapons seized in connection with criminal cases.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state the number of gun licenses granted prior to 1913?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid that the question is so indefinite that I cannot possibly answer it.

Gun licenses in Midnapore.

*84. **Babu HOSENI ROUT:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state how many gun licenses have been cancelled during the last seven months in the district of Midnapore?

(*b*) Have the Government stated the reasons for the cancellations to the licensees concerned? If not, why not?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) 181.

(*b*) The licenses were cancelled by the District Magistrate in exercise of his powers under section 18 (*a*) of the Indian Arms Act.

Dacca riots.

***85. Rai Bahadur KESHAB CHANDRA BANARJI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing the number of casualties—

(*1*) dead, and

(*2*) wounded

sustained by the Hindus and Muhammadans in connection with the recent riots in the city of Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: Six Hindus and eight Muhammadans are believed to have been killed, and 42 Hindus and 25 Muhammadans wounded during the riots.

Rai Bahadur KESHAB CHANDRA BANARJI: With reference to answers (*1*) and (*2*), will the Hon'ble Member be pleased to state how many of these dead and wounded were admitted to Mitford Hospital for *post-mortem* examination?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice of that.

Noabad taluks of Satkania and Patiya khas mahal.

***86. Haji BADI AHMED CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the Noabad taluks of Satkania and Patiya khas mahal had to make double payment of June and September kists, 1928, after the final publication of revisional survey in spite of general protest from the public?

(*b*) What was the amount so realised?

(*c*) Whether this sort of payment was realised from other khas mahals of the district of Chittagong? If not, why not?

(*d*) Are the Government considering the desirability of appropriating the alleged excess payment towards the future revenue accruing in respect of these taluks?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No, the supposition in the question is apparently based on a confusion between "kist" and "latest day of payment."

(*b*) to (*d*) Do not arise.

Satyagrahi volunteer prisoners of Mymensingh.

*87. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the non-violent satyagrahi volunteer under-trial prisoners are brought to the court of the Subdivisional Officer, Sadar (South), Mymensingh, in handcuffed or tied up condition?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for according such treatment?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) In some cases, yes.

(*b*) Some under-trial prisoners, including a large number who are undergoing trial under section 52 of the Prisons Act, who refused to go to court, have had to be handcuffed or tied.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the under-trial prisoners who had refused to go to court had been handcuffed or tied?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I have no detailed information. There are no rules on the subject.

Maulvi ABDUL HAKIM: Will the Hon'ble Member be pleased to state why, in the absence of any rule, it was done in some cases and not in all cases?

The Hon'ble Mr. W. D. R. PRENTICE: I do not think the answer means that some people were so treated and others were not. Among the persons arrested who had to go to court only those who objected to do so had their hands handcuffed or tied.

Assessment of Sunderbans estates.

*88. **Babu SARAT CHANDRA MITTRA:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that in cases of reassessment of the Sunderbans estates, revenues have been enhanced by more than 12 per cent.?

(*b*) Is the Hon'ble Member also aware—

(*i*) that several suits have been filed against the decisions of the Revenue officers; and

(*ii*) that landlords and tenure-holders are awaiting the decision of the Hon'ble Member before filing similar other suits?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) (*i*) So far as is known only four such suits have been filed. In the only case decided up to date a Bench of Judges presided over by the Chief Justice has upheld the revenue assessment.

(*ii*) This department has no such information.

Salt movement in Contai.

***89. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing—

(*i*) the yearly salt excise income from the Contai subdivision in normal years;

(*ii*) expenditure up to date from the beginning of the movement in excess of the amount usually spent in normal times on the department in the Contai subdivision?

(*b*) Is it a fact that the Excise Department at Contai have failed to bring the people concerned into submission and that the extra staff of the department have been recently withdrawn?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) There is no "Excise" income from salt in the Contai subdivision.

(*ii*) Expenditure, in excess on account of staff, amounted approximately to Rs. 4,500.

(*b*) No. The extra staff was withdrawn on account of the collapse of the salt movement in the area.

Hunger-strikers in jails.

***90. Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state the number of prisoners in Bengal who had gone on hunger-strike during the months of April, May, June and July, 1930?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is difficult to answer this question accurately for when the prisoners are confined in association it is not possible to ascertain with certainty whether individual prisoners are actually taking no nourishment. The number

of prisoners who on their own statement were supposed to have been on hunger-strike on one pretext or another for various periods is as follows:—

April	...	1
May	...	28
June	...	223
July	...	827

Of these only 19 maintained this attitude for periods in excess of ten days, the remainder on their own statements being supposed to have been hunger-striking for periods varying from one day to about a week. Only in the case of two prisoners was any resort to artificial feeding necessary to maintain the strength of the prisoner.

Mr. NARENDRA KUMAR BASU: In view of the very large number of persons going on hunger-strike in jails, will the Hon'ble Member be pleased to state the reasons why such a large number went on hunger-strike?

The Hon'ble Sir PROVASH CHUNDER MITTER: As I have already explained, it is very doubtful whether they were all actually hunger-striking or not. When the prisoners were in Association Wards they might have taken food along with other prisoners, but it appeared that only two were incessantly hunger-striking.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether they did or did not allege any reasons for going on hunger-strike?

The Hon'ble Sir PROVASH CHUNDER MITTER: The reason put forward by many of them was that they wanted to be in Division I as political prisoners, without giving any facts about their status.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether any enquiry was made into the complaints made by these prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: There was no question of enquiry. In their petitions they stated that they would not put forward any facts saying what their status was, but they claimed that each one of them must be classed in Division I because they were political prisoners. In some cases their parents and guardians placed the facts before the authorities, but when the prisoners were asked to place the same facts they refused to do so.

Dacca disturbances.

*91. **Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that demands for police assistance by Hindus in the recent Dacca disturbances were systematically disregarded by the police?

(*b*) Is it a fact that Hindus who attempted to defend themselves against aggression have been arrested and deprived of firearms?

(*c*) Will the Hon'ble Member be pleased to state the number of firearms taken away from (*1*) Hindus, and (*2*) Muhammadans respectively at Dacca during the recent disturbances distinguishing—

(*i*) the cases in which arms were seized from rioters caught in violence; and

(*ii*) the cases in which there were no charge of violence against the owners?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) No.

(*c*) From Hindus 12; from Muhammadans 2.

Of these five were taken from Hindus who had fired without any justification, and the other nine were taken as a measure of precaution.

I may add that this question was answered on the information available at the time. A later information was received and it has been embodied in the answer to Unstarred Question No. 109, which will show that 9 guns were taken and not 5. So the figures should be reversed.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that several of the witnesses examined before the Official Enquiry Committee at Dacca made statements to the effect that police help was denied to them when asked for?

The Hon'ble Mr. W. D. R. PRENTICE: I have already stated that I have not seen the evidence given before the enquiry committee.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether one of the terms of issuing licence for firearms is that they can be used for purposes of self-protection?

The Hon'ble Mr. W. D. R. PRENTICE: I would advise the hon'ble member to read the conditions printed on the license form.

Retention of Deputy and Sub-Deputy Magistrates and Circle Officers in a district.

***92. Babu SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is the general policy of Government that executive officers such as Deputy and Sub-Deputy Magistrates and Circle Officers are not to be retained in a district ordinarily for more than three years and in exigent cases for more than five years?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether that policy has been carried out in practice in the case of all such officers posted in the district of Bankura?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to lay on the table a statement showing the number and names of the officers in whose cases that policy has not been carried out?

(*d*) Will the Hon'ble Member be pleased to state the reasons for the departure from the policy of Government regulating the period of incumbency of such officers?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The answer is in the affirmative, but the application of the policy is always subject to the convenience of administration.

(*b*) and (*c*) Four Sub-Deputy Collectors have been in the Bankura district for more than three years.

(*d*) Vide (*a*) above.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state the respective number of years that the 4 Sub-Deputy Magistrates are there in the Bankura district?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot say off-hand. If the hon'ble member comes to see me, I shall look up the distribution list and give him the information.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state whether some of these officers are there for more than 5 years?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know.

Certain departments under Hindu or Muhammadan Ministers or Members.

*93. **Mr. SARAT KUMAR ROY:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state for what period since the inauguration of the Reforms the undermentioned departments have been under the charge of Hindu and Muhammadan Ministers or Members respectively:—

(*1*) Education Department,

(*2*) Agriculture and Industries Department, and

(*3*) Public Works Department?

The Hon'ble Mr. W. D. R. PRENTICE: A statement is laid on the table showing how the charge of these departments has been held during the period referred to in the question.

Statement referred to in the reply to starred question No. 93.

(1)—EDUCATION DEPARTMENT (EXCLUDING EUROPEAN EDUCATION AND REGISTRATION).

3rd January 1921 to 3rd January 1924—Mr. (now Hon'ble Sir) P. C. Mitter.

4th January 1924 to 31st August 1924—Mr. A. K. Fazl-ul Huq.

1st September 1924 to 13th March 1925—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

14th March 1925 to 24th March 1925—Late Nawab Bahadur Saiyid Nawab Ali Chaudhuri.

25th March 1925 to 12th June 1925—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

13th June 1925 to 29th December 1925—Sir Abdur Rahim. (Transfer of transferred subjects suspended.)

30th December 1925 to 21st January 1927—Mr. (now Sir) J. Donald. (Transfer of transferred subjects suspended.)

22nd January 1927 to 25th January 1927—Sir Abdur Rahim.

26th January 1927 to 28th August 1927—Late Mr. B. Chakrabarty.

29th August 1927 to 9th October 1927—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

10th October 1927 to 21st February 1929—Nawab Musharruf Hossain.

22nd February 1929 to 17th December 1929—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

18th December 1929 to date—The Hon'ble Mr. Khwaja Nazimuddin, C.I.E.

(2)—Agriculture and Industries Department (excluding Excise).

3rd January 1921 to 3rd January 1924—Late Nawab Saiyid Nawab Ali Chaudhuri.

4th January 1924 to 31st August 1924—Mr. (now Hon'ble Sir) A. K. Ghuznavi.

1st September 1924 to 13th March 1925—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

14th March 1925 to 24th March 1925—Late Nawab Bahadur Saiyid Nawab Ali Chaudhuri.

25th March 1925 to 12th June 1925—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

13th June 1925 to 5th November 1925—Mr. T. Emerson. (Transfer of transferred subjects suspended.)

6th November 1925 to 29th December 1925—Mr. (now Sir) J. Donald. (Transfer of transferred subjects suspended.)

30th December 1925 to 21st January 1927—Late Nawab Bahadur Saiyid Nawab Ali Chaudhuri. (Transfer of transferred subjects suspended.)

22nd January 1927 to 25th January 1927—Sir Abdur Rahim.

26th January 1927 to 28th August 1927—Mr. (now Hon'ble Sir) A. K. Ghuznavi.

29th August 1927 to 9th October 1927—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

10th October 1927 to 30th July 1928—Sir P. C. Mitter.

31st July 1928 to 12th October 1928—Nawab Musharruf Hossain.

13th October 1928 to 21st February 1929—Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

22nd February 1929 to 17th December 1929—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

18th December 1929 to date—The Hon'ble Khan Bahadur K. G. M. Faroqui.

(3)—PUBLIC WORKS DEPARTMENT.

3rd January 1921 to 3rd January 1924—Late Nawab Saiyid Nawab Ali Chaudhuri.

4th January 1924 to 31st August 1924—Mr. (now Hon'ble Sir) A. K. Ghuznavi.

1st September 1924 to 13th March 1925—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

14th March 1925 to 24th March 1925—Raja (now Sir) Manmatha Nath Roy Chaudhuri, of Santosh.

25th March 1925 to 12th June 1925—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

13th June 1925 to 5th November 1925—Mr. T. Emerson. (Transfer of transferred subjects suspended.)

6th November 1925 to 21st January 1927—Mr. (now Sir) J. Donald. (Transfer of transferred subjects suspended.)

22nd January 1927 to 25th January 1927—Sir Abdur Rahim.

26th January 1927 to 28th August 1927—Late Mr. B. Chakrabarty.

29th August 1927 to 9th October 1927—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

10th October 1927 to 30th July 1928—Sir P. C. Mitter.

31st July 1928 to 12th October 1928—Nawab Musharruf Hossain.

13th October 1928 to 21st February 1929—Raja Bhupendra Narayan Sinha Bahadur, of Nashipur.

22nd February 1929 to 17th December 1929—Administered by the Governor under the Transferred Subjects (Temporary Administration) Rules.

18th December 1929 to date—The Hon'ble Khan Bahadur K. G. M. Faroqui.

Unstarred Questions.

(answers to which were laid on the table).

Government medical service.

102. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any distinction is made at the time of appointments between the licentiates who get their education at the Government medical schools like the Campbell Medical School, etc., and other private medical schools like the Calcutta Medical School, the National Medical Institute, etc.?

(*b*) Will the Hon'ble Minister be pleased to state the number of licentiates—

(*i*) who had their education in private medical institutions, and

(*ii*) who had their education from the Government medical schools,

holding Government appointments at present in the province?

(*c*) Will the Hon'ble Minister be pleased to state whether the graduates of the Carmichael Medical College and Calcutta Medical College are equally treated by the authorities at the time of selection for appointments?

(*d*) Will the Hon'ble Minister be pleased to state how many graduates of the—

(*1*) Carmichael Medical College, and

(*2*) Calcutta Medical College

have got appointments since the graduates of the Carmichael Medical College were recognised by the Calcutta University?

SECRETARY to GOVERNMENT, LOCAL SELF-GOVERNMENT DEPARTMENT (Mr. C. W. Gurner): (*a*) There is nothing to prevent licentiates of non-Government medical schools standing on their merits as candidates for Government service on the same footing as licentiates from other medical schools.

(*b*) So far as can be ascertained all licentiates at present in Government service were trained at Government schools.

(*c*) The position is the same as in the case of licentiates.

(*d*) Since 1922 one graduate of the Carmichael Medical College and 31 graduates of the Calcutta Medical College have been appointed to Government service.

Dr. AMULYA RATAN GHOSE: Will the Government be pleased to state why there is so much disparity with regard to appointments in Government service between candidates who pass out of Government medical schools and colleges and those who pass out of private schools and colleges?

Mr. C. W. GURNER: It is impossible within the limits of the answer to a question to explain this fully but I may remind the member that the Government institutions were originally created to meet the requirements of Government service, and have as a general rule attracted the most brilliant students; and that the alumni of these institutions have naturally come under the personal observation of officers whose recommendations are taken into consideration by the appointing authorities.

Present political situation and fall of revenue.

103. Mr. BIJOY PRASAD SINGH ROY: (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether the present political situation in Bengal has affected the Government revenue?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the heads of revenue affected and to what extent?

The Hon'ble Mr. A. MARR: (*a*) Yes.

(*b*) The heads of provincial revenue affected and the extent of the fall during the quarter ending in June, 1930, under them, as compared with the estimates in the budget, are:—

		Rs.
VI-Excise	...	9,77,000
VII-Stamps	...	10,18,000
IX-Registration	...	2,71,000
XVII-Administration of Justice	...	78,000

The above fall is partly due to the present political situation and partly to world trade depression.

Maulvi SYED MAJID BAKSH: (Question inaudible).

The Hon'ble Mr. A. MARR: Sir, I could not hear the question.

Shooting at Panchanantala and Ramkristopur Ghat Road, Howrah.

104. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether any shooting by the police occurred at Panchanantala and Ramkristopur Ghat Road, Howrah, on the 6th May, 1930, or on other dates on which hartal was observed during the months of May and June, 1930?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) whether any inquiry was held to ascertain whether the shooting was at all justified; and

(*ii*) whether the shooting was under the orders of any responsible officer?

(*c*) If so, under whose orders?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes, at both the places mentioned on 6th May, 1930.

(*b*) (*i*) Yes in both cases.

(*ii*) Yes.

(*c*) At Panchanantala under the orders of Inspector Brown. At Ramkristopur Ghat Road by the Superintendent of Police, Howrah.

Dr. AMULYA RATAN GHOSE: (Question inaudible)

The Hon'ble Mr. W. D. R. PRENTICE: I could not hear the question.

Rent suits on Tamadi day at Barisal.

105. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the number of suits instituted on the Tamadi day, i.e., 15th April, 1930, in the Central Court at Barisal;

(*ii*) the number of suits which were at least registered within one month after filing;

(*iii*) the number of suits registered within two months after filing;

(*iv*) the number of suits decreed ex parte within 75 days after filing; and

(*v*) the number of suits in which summonses have not yet been served?

(*b*) Will the Hon'ble Member be pleased to state the reasons for the delay even in registering and serving the processes?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) 10,729.

(*ii*) 2,843.

(*iii*) 6,798 [including the figure shown in (*ii*)].

(*iv*) 1,326.

(*v*) 1,091.

(*b*) The main cause of the delay is the law of limitation which results in about 90 per cent. of rent suits being filed on one day in the year. It is impossible for the ordinary staff to deal efficiently and quickly with this mass of rent suits. Other causes are that most of the plaints are filed with insufficient court-fee stamps and that many are defective and have to be returned for amendment.

Muhammadan students in the Medical College and Campbell Medical School.

106. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the present total number of Muhammadan students in the—

(*i*) Medical College; and

(*ii*) Campbell Medical School?

Mr. C. W. GURNER: (*i*) In the Medical College, 133.

(*ii*) In the Campbell Medical School, 119.

Issue of gun licences at Mymensingh.

107. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that Hindus form a very small percentage of the population of Mymensingh;

(*ii*) that the unlettered and easily excitable rowdy elements are in great preponderance; and

(*iii*) that the available police force to take effective preventive action is not adequate?

(*b*) Are the Government considering the desirability of issuing gun licences more freely than at present to law-abiding Hindus?

(*c*) Is it a fact that before the last Muharram, guns belonging to eleven respectable citizens of Mymensingh town were taken into custody by the authorities without assigning any reason?

(*d*) Will the Hon'ble Member be pleased to state whether there are any charges against those gentlemen for abusing the gun licence?

(*e*) When are the said guns going to be returned to the owners?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Yes.

(*ii*) No.

(*iii*) The police force is adequate for normal requirements.

(*b*) No, it is the District Magistrate who decides such questions.

(*c*) and (*d*) The firearms were deposited pending inquiry into reports against the licensees for alleged misuse.

(*e*) The inquiry is still pending. Return of the weapons will depend on the results of the inquiry.

Steamer "Condor."

108. Rai Bahadur KESHAB CHANDRA BANARJI: (*a*) Will the Hon'ble Member in charge of the Marine Department be pleased to state

(*i*) the circumstances under which the accident of the 27th April, 1930, happened to the steamer *Condor;*

(*ii*) the maximum capacity of the *Condor* for carrying passengers;

(*iii*) the total number of passengers travelling on board the said steamer on the 27th April last; and

(*iv*) the actual number of passengers who lost their lives?

(*b*) Will the Hon'ble Member be pleased to state the length of service and experience of the serang who was in charge of the *Condor* on the said day?

(*c*) Is there anything on record about the efficiency or otherwise of the said serang?

(*d*) Is it a fact that the serang of the said steamer was compelled under threats and intimidation from the Pilot Superintendent to anchor the steamer which is believed to be mainly responsible for the tragic disaster?

(*e*) Will the Hon'ble Member be pleased to state the approximate value of the goods, booked and unbooked, lost in that river accident?

(*f*) Will the Hon'ble Member be pleased to state whether any forecast was published by the Meteorological Department regarding the apprehension of any cyclone or storm of severe intensity on or before the 27th April, 1930?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state why no precaution was taken by the steamer company concerned to avert this calamity?

(*h*) Is it a fact that the report of an apprehended cyclone was communicated to the serangs in charge of steamers on the Padma service?

(*i*) If the answer to (*h*) is in the affirmative, will the Hon'ble Member be pleased to state if any circular to the above effect was issued to the serang of the *Condor* and other steamers of the I. G. N. Ry. & R. S. N. Cos.? If not, why not?

The Hon'ble Mr. A. MARR: (*a*) (*i*) The member is referred to the report of the Marine Court of Inquiry which has been published in the press: a copy has been placed on the library table.

(*ii*) 1,356 by day and 911 by night.

(*iii*) and (*iv*) The member is referred to the report of the Marine Court of Inquiry.

(*b*) Serang in charge

1906-1915—Served as a sukhani.

1915—Passed as second class Master of an Inland Steam Vessel.

1921 —First independent command. Since 1921 had command at various times of the following steamers:—*Kite*, *Buzzard*, *Eagle*, *Vulture*, *Mahlong*, *Falcon*, *Condor*.

(*c*) Nothing adverse.

(*d*) So far as Government can ascertain this is not a fact. There was no Pilot Superintendent on board and no suggestion appears anywhere in the evidence that the serang's discretion was interfered with.

(*e*) Cargo lost is estimated at Rs. 15,932. There is no information regarding other articles.

(*f*) No forecast apprehending a cyclone was issued and no cyclone took place. "Isolated thunderstorms" were forecasted on 25th April. No danger signals were up on 27th.

(*g*) Does not arise.

(*h*) No.

(*i*) Does not arise.

Seizing of guns by the police during Dacca riots.

109. Babu SATYENDRA KUMAR DAS: Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that during the Dacca disturbances the guns of several Hindu citizens, who used them only for personal safety by firing blank shots, were seized by the police? If so, why?

The Hon'ble Mr. W. D. R. PRENTICE: Nine guns were seized from the Hindus of this city, because by firing blank shots the owners caused further panic amongst the public in general and irritated their neighbours.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that the reasons given for seizing the guns are contrary to the provisions of the law?

The Hon'ble Mr. W. D. R. PRENTICE: I would refer the member to the Arms Act.

Babu SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state whether the guns have since been returned? If not, why not?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know.

Babu SATYENDRA KUMAR DAS: Will the Hon'ble Member kindly see that the guns are immediately returned?

The Hon'ble Mr. W. D. R. PRENTICE: If the gentlemen concerned will apply to the District Magistrate he will pass the necessary orders. He is the proper person to pass orders in such cases.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member in charge be pleased to state whether it is a fact that during the enquiry of the official Dacca Riots Enquiry Committee the members of the Committee asked the police to return the guns?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of that.

Babu SATISH CHANDRA RAY CHOWDHURY: May I know, how long these guns have been in possession of the police?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether he does not consider that sufficient time has elapsed if the guns have been taken before the Mohurrum?

The Hon'ble Mr. W. D. R. PRENTICE: It is a hypothetical question and I cannot answer it.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that guns were seized from the public not for firing blank shots but simply for exhibiting the guns?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate can say.

Babu SATISH CHANDRA RAY CHOWDHURY: May I know, Sir, how soon can it be expected that the guns will either be returned or refusal order be passed?

The Hon'ble Mr. W. D. R. PRENTICE: That enquiry might be made of the District Magistrate. I have no knowledge of the details of each case.

Co-operative Societies.

110. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing—

(*i*) the present number of Co-operative Societies in rural areas in Bengal; and

(*ii*) the total amount of reserve fund that has accumulated in all the societies up to March, 1930?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*i*) 19,345.

(*ii*) Rs. 65,51,339 up to 30th June, 1929—later information is not available.

Touring by the officers of the Industries Department.

111. Maulvi ABDUL KARIM: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing for the last five years the following details of touring undertaken by the different officers of the Industries Department:—

(*i*) dates of departure from and return to headquarters in each tour;

(*ii*) places visited in each tour;

(*iii*) object of each visit; and

(*iv*) cost of each tour?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: (*i*), (*ii*) (*iii*) and (*iv*) The member is referred to the reply given to a starred question asked by Kazi Emdadul Hoque at this meeting.

The time and labour involved in furnishing the additional information required in this question would be very great and Government are not prepared to undertake it.

Students in Technical schools.

112. MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing the total number of students receiving education in Technical schools during the years 1918-20 and 1929-30?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 112 showing total number of students receiving education in Technical schools during 1918-20 and 1929-30.

Year.	Number of students receiving education in technical schools
1918-19	... 3,503
1919-20	... 3,425
1929-30	... 6,284

Extension of new road at Jayanagar-Mazilpur station.

113. Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether Government are considering the desirability of asking the Eastern Bengal Railway authorities to so extend the new approach road at the Jayanagar-Mazilpur station as to meet the Municipal Road known as Thana Cross Road for the convenience of the passengers coming to the station from that quarter?

MEMBER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Mr. A. Marr): As passengers can easily approach the station by means of the existing roads, Government do not consider it necessary to ask the Railway authorities to extend the new approach road up to the Thana Cross Road.

Boy picketers.

114. Dr. AMULYA RATAN CHOSE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state what is the present policy of the Government in dealing with schoolboys who take part in the civil disobedience movement, e.g., the picketing of liquor shops, shops dealing in British goods, schools and colleges, etc.?

(*b*) Is beating included in that policy?

(*c*) Will the Hon'ble Member be pleased to state the circumstances under which innocent passers-by in front of the Howrah Zilla School were assaulted by the police on the 4th, 5th, 7th, 8th, 9th, 10th and 11th July, 1930, between the hours of 10 a.m. and 12 noon?

(*d*) Was any medical aid given to the injured persons by the police?

(*e*) Is it a fact that daily a number of young boys, peaceful picketers, particularly between the ages of 12 and 18, were beaten to bleeding by the police and that some of these assaulted boys had to be carried to the hospital by passers-by?

(*f*) How many boys of the Howrah Zilla School were beaten on the days mentioned above by the police?

(*g*) How many boys of that school were prevented from attending the school on account of these occurrences?

(*h*) What steps, if any, do the Government propose to take to prevent a recurrence of such assaults and of bringing the offenders to punishment?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) The policy of Government is to endeavour to prevent such boys from being a nuisance. The method employed in any particular case must depend on the circumstances and must be decided by the officer dealing with it.

(*c*) No such case has been reported.

(*d*) Does not arise.

(*e*) Picketers were chased away and some were struck. No bleeding was noticed, nor so far as is known was any boy taken to hospital.

(*f*) Government have no information; two of these boys complained to the head master, several days after their alleged beating, but had no marks of injury.

(*g*) Picketing kept several boys away, but the numbers are not available.

(*h*) Endeavours will be made to prevent picketing.

Dr. AMULYA RATAN GHOSE: With reference to answer (*h*) will the Hon'ble Member be pleased to state, if endeavours take a long time to fructify, what will be the course of action of Government in connection with such assaults? Will these assaults continue?

The Hon'ble Mr. W. D. R. PRENTICE: I am not a prophet.

Public Prosecutors and Assistant Public Prosecutors in Bengal.

118. Nawab KHWAJA HABIBULLAH: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of Public Prosecutors and Assistant Public Prosecutors in the province?

(*b*) Is it a fact that in certain districts there is a list of probationary Assistant Public Prosecutors maintained for coping with heavy number of sessions cases?

(*c*) How many of the Public Prosecutors and Assistant Public Prosecutors and Probationary Assistant Public Prosecutors are Moslems?

(*d*) Are the Government considering the desirability of appointing more Moslems in this line?

(*e*) Is the Hon'ble Member aware that there is a feeling of dissatisfaction among the Moslem pleaders that they are not getting their due share of such appointments?

(*f*) Is the Hon'ble Member aware that in the district of Mymensingh the enrolment of pleaders and Assistant Public Prosecutors has created a feeling of discontent amongst the Moslem community at large?

(*g*) Is it a fact that the Public Prosecutor of Mymensingh is not consulted in the matter of selection of his assistants?

(*h*) Is it a fact that the Public Prosecutor of Mymensingh does not distribute briefs amongst his assistants unlike the Public Prosecutors of the other districts?

(*i*) Is it a fact that the said distribution is made by a Hindu Additional District Magistrate?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) There are 15 combined posts of Government Pleader and Public Prosecutor and 11 separate posts of Public Prosecutor. There is no recognised post of Assistant Public Prosecutor in the province.

(*b*) No: a panel of outside pleaders is maintained in some districts and cases with which the Public Prosecutor cannot deal are distributed among members of the panel. Members of the panel are sometimes spoken of as Assistant Public Prosecutors.

(*c*) Seven posts of Public Prosecutor are held by Muhammadans.

(*d*) Selection for the post of Public Prosecutor is made on the recommendations of District Officers and Commissioners of Divisions who take into consideration all relevant facts before making their recommendations. The selection cannot be made on a purely communal basis.

(*e*) No.

(*f*) No.

(*g*) No.

(*h*) and (*i*) The Public Prosecutor himself distributes cases among the two senior assistants and appeals among all the assistants. Distribution of other surplus briefs is made by the Additional District Magistrate in consultation with the Public Prosecutor. At present the Additional District Magistrate happens to be a Hindu.

Madrasahs and maktabs.

116. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the amount spent during each of the years 1921-22 to 1929-30 on—

(*i*) madrasahs (senior);

(*ii*) madrasahs (junior); and

(*iii*) maktabs?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): A statement showing the total expenditure from all sources on madrasahs and maktabs from 1921-22 to 1928-29 is laid on the table. Figures for 1929-30 as well as separate figures for senior and junior madrasahs are not available now.

Statement referred to in the reply to unstarred question No. 116.

In the year—	Total expenditure on (1) Madrasahs. Rs.	(2) Maktabs Rs.
1921-22 ..	6,53,063	9,90,484
1922-23 .	6,64,675	11,09,071
1923-24	7,12,067	11,89,079
1924-25 . .	7,72,135	13,40,884
1925-26 . .	8,84,448	14,65,760
1926-27 ...	10,41,061	17,71,586
1927-28 ...	11,59,101	20,77,941
1928-29 .	13,50,702	22,35,479

Estates sold for arrears of road and Public works cesses.

117. Rai Sahib AKSHOY KUMAR SEN: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing how many estates were sold for arrears of road and public works cesses in each of the districts of the Dacca, Chittagong and Rajshahi Divisions (except the district of Darjeeling) during the years 1928 and 1929?

The Hon'ble Sir PROVASH CHUNDER MITTER: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 117 showing the number of estates sold for arrears of road and Public Works cesses in 1928 and 1929 in the Dacca, Chittagong and Rajshahi Divisions (except Darjeeling).

		Number of estates sold in—	
		1928.	1929.
Dacca Division—			
Dacca	...	30	28
Faridpur	..	23	37
Mymensingh	..	62	52
Bakarganj	..	7	9
Chittagong Division—			
Chittagong	...	67	77
Tippera	...	11	8
Noakhali	...	Nil	Nil
Rajshahi Division—			
Rajshahi	...	1	1
Dinajpur	...	3	2
Jalpaiguri	..	Nil	Nil
Rangpur	...	Nil	1
Bogra	...	Nil	2
Pabna	...	2	13
Malda	...	Nil	Nil
Total	...	206	230

Rai Sahib AKSHOY KUMAR SEN: Will the Hon'ble Member be pleased to state whether besides the estates mentioned in the statement there were several other estates which were attached by the Collectors for failure to pay road and public works cesses?

The Hon'ble Sir PROVASH CHUNDER MITTER: Quite possible: I have no information.

Various opinions regarding Rural Primary Education Bill.

118. Raja Bahadur SHUPENDRA NARAYAN SINHA, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he has ascertained the views of the agriculturist and the cultivating classes in general in connection with the proposed introduction of the Rural Primary Education Bill?

(*b*) If so, will the Hon'ble Minister be pleased to state when and how they were consulted?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the result of such consultation?

(*d*) If the agriculturist and the cultivating classes have not been consulted, will the Hon'ble Minister be pleased to state the reasons for the same?

(*e*) Are the Government considering the desirability of ascertaining their views on the subject and of taking necessary action accordingly?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) Through their representatives in the Legislative Council from time to time since the report of the last Select Committee was presented to the Council.

(*c*) No.

(*d*) and (*e*) Do not arise.

Mr. SHANTI SHEKHARESWAR ROY: Is the Hon'ble Minister aware that there is a large volume of public opinion amongst agriculturists and cultivating classes, as represented through their representatives in the Legislative Council, in favour of sending the Primary Education Bill to a Select Committee?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: That question will be ascertained in a few days' time.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether the opinions of District Boards were taken in connection with the Bengal Primary Education Bill? If so, how many District Boards were consulted?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The District Boards have not been consulted since 1926.

Rai Bahadur KESHAB CHANDRA BANARJI: Was the Pabna District Board consulted?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It was not consulted, but the District Board passed a resolution and sent a copy to me supporting the Bill.

Mr. I. A. CLARK: May I know, Sir, whether any representatives of the coal industry were consulted?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A deputation of the coal industry waited on me.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether leading public associations of the province were consulted? If the answer be in the affirmative, will he be pleased to state how many of these associations were in favour of the Bill and how many against?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Leading associations have not been consulted since I introduced the Bill in the last session of the Council.

Reassessment of Sunderbans estates.

119. Babu SARAT CHANDRA MITTRA: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the estates situated in the Sunderbans in the district of the 24-Parganas, Khulna and Bakarganj respectively, in respect of which a reassessment of revenues has been made within the last five years;

(*ii*) the classification of such estates under the rules of 1853 and 1879;

(*iii*) the rates of revenue of such estates before reassessment; and

(*iv*) the rates at which revenues of such estates have been reassessed?

The Hon'ble Sir PROVASH CHUNDER MITTER: A statement giving the necessary information is laid on the table.

Statement referred to in the reply to unstarred question No. 119.

(A)—24-PARGANAS.

A consolidated list of estates held under the Sunderban Waste Land Rules of 1853 of which resettlements have been completed between 1928-30.

Serial No.	Estate No.	Classification of the estate	Rates of revenue before reassessment.	Rates at which revenues of such estates have been reassessed.	Remarks.
1	2	3	4	5	6
1	1345	Under the Rules of 1853.	2 as per bigha on three-fourths of the area	Re 1-6, Re. 1-11, Re. 1-14 and Rs 2 per bigha on three-fourths of the area less 30 per cent.	
2	1359	Ditto	Ditto	Re 1-8, Rs. 2, Rs. 2-4 per bigha on three-fourths of the area less 30 per cent	
3	1379	Ditto	Ditto	Rs 2 per bigha on three fourths of the area less 30 per cent	
4	1378	Ditto	Ditto	Ditto.	
5	1493	Ditto	Ditto	Ditto	
6	1386	Ditto	Ditto	Re 1-11 and Rs 3-8 per bigha on three-fourths of the area less 30 per cent	
7	1381	Ditto	Ditto	Rs 3-8 per bigha on three-fourths of the area less 30 per cent	
8	1387	Ditto	Ditto	Rs 2-8 and Rs 2-12 per bigha on three fourths of the area less 30 per cent	
9	1440	Ditto	Ditto	Rs. 2-8 and Rs 3 per bigha on three fourths of the area less 30 per cent.	
10	1439	Ditto	Ditto	Rs. 2-4 and Rs 3 per bigha on three-fourths of the area less 30 per cent	
11	1477	Ditto	Ditto	Rs. 2-12 and Rs. 3-8 per bigha on three-fourths of the area less 30 per cent	
12	1370	Ditto	Ditto	Rs. 2-14 and Rs. 4-4 per bigha on three-fourths of the area less 30 per cent.	

Serial No.	Estate No.	Classification of the estate.	Rates of revenue before reassessment.	Rates at which revenues of such estates have been reassessed.	Remarks.
1	2	3	4	5	6
13	1443	Under the rules of 1853.	2 as. per bigha on three-fourths of the area.	Rs. 2 per bigha on three-fourths of the area less 30 per cent.	
14	1371	Ditto ..	Ditto ..	Rs. 2-10 and Rs. 3 per bigha on three-fourths of the area less 30 per cent.	Placed under khas management on the recusancy of the lessees.
15	3195	Ditto ..	Ditto ..	Rs. 3 per bigha on the cultivated area less 60 per cent.	

(B)—24-PARGANAS.

A consolidated list of estates held under the Sunderban Large Capitalist Rules of 1879 of which resettlements have been completed between 1926-30.

1	1392	Under the rules of 1879.	4 as. per bigha on three-fourths of the area.	Rs. 2-8 per bigha on three-fourths of the area less 30 per cent	
2	2741	Ditto ..	Ditto ..	Rs. 2 per bigha on three-fourths of the area less 30 per cent	
3	2722	Ditto ..	Ditto ..	Rs. 2-8 and Rs. 3 per bigha on three-fourths of the area less 30 per cent.	
4	2739	Ditto ..	Ditto ..	Rs. 2-8 per bigha on three-fourths of the area less 30 per cent.	
5	2740	Ditto ..	Ditto ..	8 as., Re. 1-10-8, Rs. 2-8 and Rs. 3 per bigha on three-fourths of the area less 30 per cent.	Three-fourths of the area being not fully cultivated different rates have been adopted.
6	1457	Ditto ..	8 as. per bigha on three-fourths of the area.	Rs. 2-4 per bigha on three-fourths of the area less 30 per cent.	
7	2822	Ditto ..	4 as. per bigha on three-fourths of the area.	Re. 1 and Rs. 2-8 per bigha on three-fourths of the area less 30 per cent.	Lower rate for inferior lands.
8	2733	Ditto ..	Ditto ..	Rs. 3 and Rs. 5 per bigha on three-fourths of the area less 30 per cent.	

Serial No.	Estate No.	Classification of the estate.	Rates of revenue before reassessment.	Rates at which revenues of such estates have been reassessed.	Remarks.
1	2	3	4	5	6
9	2687	Under the rules of 1879.	6 as. per bigha on one-fourth of the area.	Rs. 2 per bigha on three fourths of the area less 30 per cent.	
10	2688	Ditto ..	Ditto ..	Rs. 2 and Rs 3-8 per bigha on three-fourths of the area less 30 per cent.	
11	2714	Ditto ..	Ditto ..	Rs 2 and Rs 3-8 per bigha on three-fourths of the area less 30 per cent.	1·29 acres of hat lands have been assessed at the existing rate of Rs. 20 per bigha plus the average net income of Rs. 263-13.
12	2719	Ditto ..	Ditto .	Rs 2 and Rs 2 10-8 per bigha on three-fourths of the area less 30 per cent	
13	2732	Ditto .	4 as per bigha on three-fourths of the area.	Rs 2 and Rs 3 per bigha on three-fourths of the area less 30 per cent.	
14	2721	Ditto ..	6 as. per bigha on three-fourths of the area	Rs. 2 and Rs 2 5 4 per bigha on three-fourths of the area less 30 per cent.	
15	2731	Ditto ..	4 as per bigha on three-fourths of the area	Rs. 2-4 and Rs. 2-5-4 per bigha on three-fourths of the area less 30 per cent.	
16	2712	Ditto ..	8 as per bigha on three-fourths of the area.	Rs 2-8 per bigha on three-fourths of the area less 30 per cent.	
17	1446	Ditto ..	Ditto ..	Rs. 2-8 and Rs. 2 12 per bigha on three-fourths of the area less 30 per cent.	
18	2807	Ditto ..	4 as. per bigha on three-fourths of the area.	Re. 1 per bigha and Rs. 2-4 per bigha on three-fourths of the area less 30 per cent.	Lower rate for inferior lands.
19	2808	Ditto ..	Ditto ..	Rs. 2-4 per bigha on three-fourths of the area less 30 per cent.	
20	2711	Ditto ..	6 as. per bigha on three-fourths of the area.	Rs. 2 and Rs. 2-10-8 per bigha on three-fourths of the area less 30 per cent.	

(A)—KHULNA.

Serial No.	Estate No.	Classification of the estate.	Rates of revenue before reassessment.	Rates at which revenues of such estates have been reassessed.	Remarks.
1	2	3	4	5	6
1	780	Under the rules of 1853.	6 as. an acre	Rs. 8-10 an acre less 30 per cent. allowance to the lessee.	

(B)—KHULNA.

1	998	Under the Large Capitalist rules of 1879.	12 as. an acre	Rs. 2-6 an acre less 30 per cent. allowance to the lessee.
2	999	Ditto ..	12 as. an acre	Rs. 2-6 and Re. 1 an acre less 30 per cent. allowance to the lessee.

(C)—KHULNA.

1	995	Under the Small Capitalist rules of 1879.	Re. 1-8 an acre	Rs. 2 and Re 1 an acre less an allowance to make the lessees' allowance at not less than 25 per cent. of the assets of the estate.
2	996	Ditto ..	Re. 1-8 an acre	Re. 1-7-5 an acre.
3	997	Ditto ..	Re. 1-8 an acre	Rs. 2-10 an acre less an allowance so as to leave to the haoladar not less than 20 per cent. of the assets as his profits.
4	1000	Ditto ..	Re. 1-8 an acre	Rs. 2-4 an acre.
5	1024	Ditto ..	Re. 1-8 an acre	Rs. 2 an acre.

BAKARGANJ.

No such estates have been settled in Bakarganj within the last 5 years.

Resolutions on matters of general public interest.

[The discussion on the resolution regarding increased recurring grant to the Carmichael Medical College and Hospital, Belgachia, was then resumed.]

Rai Bahadur Dr. HARIDHAN DUTT: Sir, on Friday last we were considering the question of an increased grant to the Carmichael Medical College. I pointed out to the House how Government had not spent a sufficient amount of money for the purpose of meeting the medical requirements of the city of Calcutta. I also pointed out how for want of accommodation in the Calcutta hospitals difficulties had often arisen in accommodating accident cases when they were brought to the hospitals. I further pointed out how the Carmichael Medical College and Hospital had lately improved to such an extent as to be deserving of very sympathetic consideration at the hands of Government. Further, I pointed out, Sir, that in Calcutta the hospitals were becoming more and more popular as a result of which large number of persons who were at one time averse to going to hospitals were now resorting frequently to hospitals when they were sick. Taking all these things into consideration, Government ought to provide a larger sum of money for the upkeep of the Carmichael Medical College Hospital. That is why I for myself would whole-heartedly associate with this resolution and press this House for voting an additional grant of Rs. 50,000 to the Carmichael Hospital.

Babu JATINDRA NATH BASU: Sir, I rise to support the resolution moved by the Reverend B. A. Nag. The resolution, as I understand it, asks that the Government grant of Rs. 50,000 to the Carmichael Medical College and Hospital be increased to Rs. 1,00,000. Sir, we all know that in the whole of India, particularly in Bengal, a very large number of persons suffer because they cannot have medical help, and a great many of them die without any medical help and without any opportunity of having any medical help. Sir, the Carmichael Medical College is the only institution in this province other than the Calcutta Medical College which offers up-to-date training in medicine and surgery. It is, therefore, an institution which in a province like Bengal is deserving of special support from Government. That it supplies a real need to the students is apparent from the fact that there is a very large number of applications every year for admission to this college and not more than one-tenth of those applications can be entertained on account of want of space and staff. It is, therefore, necessary that the Government grant should be increased in order that this institution may be really useful to this province. Sir, the institution was established with contributions from the public,

and it received later the help of Government. It is now a large institution with several hospitals and museums attached to it. It is one of the largest institutions in the province, and a large part of the development that has taken place has been due to help from the public.

3-45 p.m.

The Government contribution has not been to the same extent as the public contributions. It is, therefore, necessary that Government should come forward to help this institution. As regards the hospital, it should be remembered that it is situated on the fringe of an industrial area, the Cossipore-Chitpore area, where there is a large number of mill and factory hands to whom the medical facilities afforded by the Carmichael Medical College Hospital serve an exceedingly useful purpose. It is, therefore, specially necessary that Government should come forward with a proposal to help this institution. I therefore wholeheartedly support the resolution.

Mr. C. W. GURNER: Sir, it is an uncongenial task to rise to oppose a resolution asking for an additional assistance to a particular hospital. At the same time I feel that this resolution serves one useful purpose in drawing attention to one of the most remarkable features of hospital accommodation in Calcutta. It is a feature to which the late Minister drew attention in the speech he made at the luncheon at the Rotary Club a few days ago, namely, the enormous proportion of expenditure on hospitals in Calcutta that is borne by Government. The exact figures for the last three years show a total expenditure of Rs. 97 lakhs, out of which Rs. 57 lakhs were paid direct by Government. I think there is no other large city, in which so large a share of hospital services rendered simply for the city is borne by the State. Now, Government have nothing but praise for the Carmichael Medical College and Hospital, and it was particularly welcome, because it was the first institution to break away from the tradition of hospital service in the city being a direct onus on the State. The Carmichael Medical College Hospital came forward as a private institution offering to supplement what was being done up to that date by the Medical College Hospital. It is just a little disconcerting, therefore, to see that as time goes on this college and hospital are drifting into this attitude of depending on the State, and not on private charity for extension of their hospital services. When the time comes that an advance is possible towards provision for medical service in the budget of Bengal, there must certainly be a wholesale scrutiny of direct expenditure and expenditure on grants-in-aid, but that time has not yet come, and least of all this year. We are in a position in the Medical Department in which it is quite out of the question to contemplate any new expenditure which is not absolutely necessary or to which Government is not already committed, as for instance, in

the case of these two medical schools. Government is faced with the same difficulty in regard to its own institutions, and however great the sympathy it is impossible to accept a resolution demanding outright an extra grant of Rs. 50,000 and a recurring grant of Rs. 50,000 for one particular institution. I think perhaps at the cost of showing up the Medical Department I might try to show to the Council how the pinch is felt by the Medical Department and Government institutions. Suppose you welcome to Calcutta a stranger interested in medical affairs, and take him to the north town. There you would show him in the compound of the Medical College a palatial three-storey structure. He raises his eyes and asks, "What is it?" You say in reply, "Well, we have built that: it is an extension of the Eden Hospital." "What a boon," he says, "to expectant mothers!" "Yes," you reply; "and they must expect a long while yet, for that building is empty from top to bottom and is likely to be so for several years, because Government cannot find money for recurring expenditure." You then go to the south town, and take him to another institution and say "Here is a ward for consumptives." "How many patients" he enquires. "Patients" you say, "we cannot afford patients. The ward is empty for want of funds." You then take him to the magnificent laboratory of the Medical College where he finds antiquated instruments in use as microscopes; you say: "This microscope is 20 years old, we have asked for funds to replace them and somewhere there is a file still going round the Secretariat entitled 'Is a microscope too old at twenty?'" Then you take him to another institution where you find a benevolent looking gentleman walking up and down who tells you that he is waiting for the builders. You say, "Builders!" "Well," he explains, "two years ago in my kindness of heart I deposited with Government Rs. 50,000 to increase accommodation in that institution and I am still waiting for the work to begin; and I shall have to wait for sometime to come because Government has not been able to find the little extra required to supplement my gift." These are the instances in Calcutta. If you go outside Calcutta, you find patients in mufussal hospitals admittedly on inadequate diet allowance; you find grants to those hospitals admittedly inadequate, but we cannot find funds to raise them. Why should the Calcutta institutions have preference over them? When this is the position, how impossible it is for Government to admit the principle of a recurring increase in the grant to the Carmichael Medical College, which is intended to increase the number of beds and to improve the staff. How can Government increase the number of beds in a private institution when it cannot fill the wards in its own institution? Moreover there cannot be any finality about this increase of beds in Calcutta hospitals. When you increase the number to 20, you require 50 more; when you add 50, you need another 100. In the matter of

hospital accommodation in Calcutta the waters of suffering will overflow however you deepen the cup.

There is one other point which I should put before the House before I sit down and that is the constitutional aspect of the question. It does seem to me a mistake to put forward a resolution in favour of a particular institution when obviously it is only by considering the needs of all the institutions through the schedules that some reasoned policy can be worked up. "What is thy beloved more than another beloved," it says somewhere in the books from which Mr. Nag quoted. That is a question I would put to the mover of the resolution. What special claims has the Carmichael Medical College got? The Calcutta Medical School, which is being built in north Calcutta and which is starting work, also demands greater grant. This claim has got to be comparatively considered along with other waiting projects through the schedule.

I have now put forward the grounds to you why there is no hope in the immediate future, and above all this year, of an increase of Rs. 50,000 in the recurring grant to the Carmichael Medical College. At the same time after obtaining the necessary authority from the Hon'ble the Finance Member I am able to put forward a formula, which goes some way towards meeting the resolution and which I understand the mover of the resolution will accept. It is this: I can say on behalf of the existing Ministry, or I am sure, of any Ministry to come, that the application for an increased grant to the Carmichael Medical College will be favourably considered by the Ministry when increased financial resources for the Medical Department become available in the budget. That is as far as any Government, with a consistent financial policy, can possibly go, and I hope the mover of the resolution will accept my assurance and withdraw his motion.

Reverend B. A. NAG: I am very sorry to hear this pessimistic speech from a Government member. I was simply amazed to hear the Government member making a distinction between the sick and suffering in Government hospitals and those in the private hospitals. However, in view of the fact that the resolution has the wholehearted support of the Council and has been so sympathetically treated by Government, I beg leave to withdraw the resolution.

The resolution was then, by leave of the Council, withdrawn.

The following resolution was called but not moved and therefore deemed to be withdrawn:—

Mr. K. C. RAY CHAUDHURI: "This Council recommends to the Government that a Committee composed of officials and non-officials be formed to inquire into the conditions of employment of the staff of the Process Serving Establishment in Bengal and to recommend necessary improvements."

Maulvi ABUL KASEM: I beg to move that this Council recommends to the Government—

(*i*) that the cost of the Presidency Police be realised by taxation from the citizens of Calcutta;

(*ii*) that the cost of the Town Police in other municipal areas in Bengal be similarly realised from the residents of the municipal towns and be not met from the Provincial Revenues, as is the case now;

(*iii*) that the savings in the Provincial Revenues thus caused be utilized for the improvement of agriculture and sanitation in rural Bengal; and

(*iv*) that the necessary legislation for the purpose be introduced without delay.

Sir, I moved a resolution on almost similar lines in the winter session of 1921, and after the cold reception it received in this House it is nothing short of sheer rashness on my part to bring it again for discussion. Sir, if I have ventured to do so, it is because I find among my colleagues some stalwart champions of rural Bengal, and I hope they will be able to advocate the cause of rural Bengal with greater ability. The second reason which has led me to take this step is that Sir Arthur Moberly, then Mr. Moberly, in charge of the Political Department, in reply to that resolution held out the hope that, on a future occasion if every municipality was included in my proposal for the taxation which will relieve the provincial revenues of the charge of the Presidency Police—and there was a consensus of opinion in this House—Government would then be prepared to consider it. At the same time, he added that it would be not particularly for the improvement of rural areas, but for other financial needs of Bengal. I have no quarrel with the citizens of Calcutta. I live in Calcutta occasionally, and I am as much interested in the city of Calcutta as anyone else. If I want the Calcutta people to be taxed, it is simply because I feel that the people of rural Bengal have their needs and requirements very sadly neglected.

4 p.m.

For some years past the policy of Government has been to help the building-up of cities, to encourage and help local municipalities by financial assistance and otherwise, because its motto is that it should benefit a large number of people within a small area who congregate there. The needs and requirements of people living in rural areas and villages have studiously been neglected by Government. I submit, Sir, that Government has been guilty of criminal negligence in this respect. Sir, whenever the people of the rural areas demand

that Government should help them in providing for the supply of pure drinking water, for improving sanitation, for spreading education, for extending medical relief, and for improving agriculture, the stereotyped reply that we get is that Government is in entire sympathy with the proposals, and that it will do its best to help us, but that, unfortunately, financial difficulties stand in the way. But whenever cities and towns approach Government for financial help on these accounts, I am sorry to say that it does not find any financial difficulty. The result is that the rural people are neglected. They are not vocal and they have not the opportunity—I might say the ability—to press their case—and press it strongly—before Government.

Sir, I submit that both Government and the leaders of public opinion must remember that it is the rural population which constitutes the bulk of the people of Bengal. It is these rural people who are the bread-winners of the whole province. It is their labour, it is their energy, and it is their work that feed the whole of Bengal. Where would be our trade and commerce, where would be our professional men, but for the agricultural population of the rural areas? They are the real producers of wealth, but it is a matter of deep regret that they are the most neglected people in the whole of the province.

Sir, we were told on the last occasion—at least I was told—that Calcutta needs many improvements, and that Calcutta requires many things for its amenities. The reason given is that it is an imperial city, it is a great city, the capital city of the whole province, and that for the good name of Bengal, it is only fair that it should be a magnificent city. I quite sympathise with that idea—with this aspiration of Government. But what I regret to notice is that for the advantage of the city of Calcutta, we, the people of the mufassal, are being asked to pay. We would have been only too glad to pay if we could afford it, but as our own needs cannot be met from our funds, I regret that it is not possible for us to do so. It is common knowledge that the agricultural population of Bengal is gradually deteriorating, and if things go on as they are at present, at no distant date will the agriculturists come to such a pass that the effect of their distress will be felt by Government and the people alike.

Sir, Bengal—nay India—is an agricultural country. We live by agriculture, but what has been done during the last 100 years, either for the improvement of agriculture or for the benefit of the agriculturists. I am not exaggerating if I say that the common people are not getting any medical relief in disease and sickness. They have also no education, and whenever there is a demand for either the one or the other they are told that they must pay for them. If the question of educating the people of Bengal is mooted, we are told that the idea is a very nice one, but that we must come forward with a crore and a half for the purpose, and that we must tax ourselves.

So far as I am concerned I am quite agreeable to such proposals, but I see no reason why people living in municipal towns in general, and in Calcutta in particular, should not be made to pay their quota to the provincial exchequer. Calcutta and the mufassal towns contribute very little to the provincial revenues. From Calcutta, except the Excise revenue, nothing comes to the provincial exchequer. Sir Arthur Moberly told me that it did not matter whether the taxes paid by the people of Calcutta go to the Central Government or to the Provincial Government. The fact remains that the people of Calcutta do pay. My answer to this is that as Calcutta is an Imperial city and as Calcutta is a great asset to the Central Government, the latter Government should pay for the maintenance of its magnificent police.

Sir, it is not very correct to say that Calcutta pays heavily. No doubt the customs duties are realised in this city. No doubt a huge amount of income-tax is realised in this city. But may I point out that though the customs duties are collected in Calcutta, it is actually paid by people from all over this province and from other provinces as well? Calcutta is no doubt a big city, and a great city like this requires a magnificent police force. I admit that. But what I insist upon is that Calcutta should be made to pay for it. Sir, the improvement of municipal towns and the amenities which are provided there are largely responsible for tempting rural people—even well-to-do rural people—to migrate to such towns. The result has been that our villagers —the poor cultivators—who are absolutely helpless, have been left to shift for themselves. They have not the means to provide any of the amenities which are enjoyed by people in municipal towns; neither have they the ability and energy to take steps so that something might be done for them by Government. Our territorial magnates—the big zamindars—are attracted by the conveniences and comforts which they can enjoy in Calcutta, and, therefore, there is a tendency on their part to migrate to it. I humbly submit that the money which is at present spent out of provincial revenues on Presidency Police should be diverted to other channels so that agriculture, irrigation, sanitation, etc., may be improved in the rural areas.

Sir, we have been told repeatedly that Government is deeply concerned with the conditions of life prevailing in rural Bengal. Commissions sit, committees deliberate, and reports are published as to how to improve such conditions. What is the result after all? Some expert's opinion is taken and perchance some quinine is distributed, or some dispensaries opened here and there. The distribution of quinine or any other medicine will not remove the miseries of the people of Bengal; neither will the opening of an occasional dispensary. If we can get good drinking water, if we can get a good drainage system so that our homesteads and lands may not be water-logged, and if there are sufficient facilities for

education, then and then only will our agricultural population improve. If they have better food and better clothing, which will enable them to fight disease better than they can at present, then and then only will their condition be improved. Sir, I think I need not labour this point further. My point is that the Calcutta Police is a part of the whole provincial police, and if Calcutta is asked to pay for it, why should not the other municipal towns in Bengal be asked to do the same?

Sir, we, the people of the rural areas who are admittedly poorer than the citizens of Calcutta and of other municipal towns, have to pay for our own watch and ward, while the richer people, the big magnates and millionaires of Calcutta as well as of the wealthier municipal towns are not asked to pay a single pie for their own watch and ward and for their own police.

Let us take the case of the Traffic Police in Calcutta, on which a large sum is spent annually out of provincial revenues. What does it matter to a man in a village in the mufassal if a motor-car collides with a bullock-cart or if a bullock-cart collides with a tram-car?

I was told on the last occasion by Mr. Bijoy Prasad Singh Roy that we the people of rural areas come and live in Calcutta, and that therefore we should be as much interested in the maintenance of peace and order in this city as the residents of Calcutta itself. Sir, I submit that temporary residents like us who come to Calcutta have not to pay for the police. They pay for the house-rent, they pay for their living expenses, and it is to the advantage of the citizens of Calcutta that all such people should come and live among them. From whatever direction we come—either from the east or from the west—we have to pay gate money for admission to this city, which is spent on its improvement.

I am myself proud of this magnificent city, but when I look to the rural areas, when I look at the miseries of the agricultural population there, then I feel that it is high time that something were done for the countryside. I would only be too glad if Government—if the Hon'ble the Finance Member of the Government of Bengal—would come foward and say: "Let Calcutta and the mufassal towns alone. I shall be prepared to supply funds for removing your grievances—for providing for medical relief, sanitation, education, etc." If Government would find money for these purposes I would only be too glad. I have brought forward this resolution on the Presidency Police, because I found no other means of securing funds for ourselves.

Sir, I cannot agree with those of my friends who express the pious hope that, after the next instalment of constitutional reforms and after a new financial settlement is made, somthing will be done for Bengal, by which our finances will so improve that we shall have sufficient

funds for satisfying all our needs. I do not share that pious hope. On the contrary, I am afraid, Sir, that under the new constitution our expenses will increase so enormously that even our ordinary needs will not be provided for. We all remember that after the first instalment of Reforms the people of Bengal had to be taxed to carry on the ordinary functions of Government. And I shall not perhaps be wrong if I am of the opinion that the next instalment of Reforms will add to our burdens and that there will be fresh taxation————

Mr. PRESIDENT: What are you driving at, Maulvi Sahib? Is it your case that the money which is now spent on the police force in Calcutta from the general revenues of the province should be diverted to the rural areas.

Maulvi ABUL KASEM: Exactly so, Sir.

Mr. PRESIDENT: But I am afraid you have exhausted much of your time in beating about the bush. Instead of talking at random you had better confine your remarks to your case with a view to properly develope it.

4-15 p.m.

Maulvi ABUL KASEM: My case is that if I want the people of Calcutta to be taxed, I wanted them to be taxed on this understanding that the money so raised must be ear-marked for the benefit of rural areas and not for anything else. I submit, Sir, that as there is no other source of revenue from which we can get some money for the relief of rural areas, this House will accept my resolution.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, before I begin to speak in opposing Mr. Abul Kasem's resolution, may I have your ruling, as to whether the third portion of the resolution "that the savings in the Provincial Revenues thus caused be utilised for the improvement of agriculture and sanitation in rural areas," if accepted, will not clash with any of the rules on the subject.

Mr. PRESIDENT: It does not matter, as the resolution, even if it were carried, would go up to Government as a mere recommendation.

Rai Bahadur Dr. HARIDHAN DUTT: With all respect to the Chair, may I enquire, for our information, whether any resolution, although it is a mere recommendation, should not be so drafted, that it may not hereafter clash with any of the rules?

Mr. PRESIDENT: If any definite action is taken on the basis of this resolution, difficulties may arise but these may be obviated by obtaining necessary sanction from proper authorities, as provided in the Government of India Act. As it is merely a recommendation of the Council, I do not think there should be any objection at this stage.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise now to oppose Mr. Kasem's resolution. I am here as a representative of the citizens of Calcutta whose interests would be much jeopardised if the Council accepted the motion.

Mr. Abul Kasem's resolution is only an echo of the debate we had in the Council in 1921 on almost a similar resolution moved by Mr. A. C. Dutt. The Government of Bengal appointed a Committee to consider the incidence of the cost of the Calcutta Police with special reference to the possibility of its being met either wholly or in part from the proceeds of the police rate. The Committee was presided over by Mr. C. H. Bompas, who was Chairman of the Calcutta Improvement Trust at that time, and Rai Bahadur Ramtaran Banerjee, and my late esteemed friend, Rai Radhacharan Pal Bahadur represented the Corporation on the Committee. The Committee were divided in opinion. This Committee gave a synopsis of the earlier history of the discussion in paragraph 6 of their report which was submitted to Government in May, 1922. I quote from this paragraph————

Mr. PRESIDENT: Order, order. The Council stands adjourned for prayers.

[At 4-20 p.m. the Council was adjourned and it reassembled at 4-30 p.m.]

Rai Bahadur HARIDHAN DUTT: Sir, the quotation runs as follows:—

"In the 18th century the expenses of the watch and ward of the city as well as of conservancy and road repairs were defrayed from the proceeds of a local rate. In the first half of the 19th century the Government made over to the Municipality the receipts from the Akbari tax and supplemented the yield of local taxation by donation from general revenues. In 1847 Government assumed entire responsibility for the police administration of the town. In 1864, Lieutenant-Colonel Bruce, Inspector-General of Police in India, animadverted on the anomaly of the non-contribution by the city towards the cost of its own protection. Shortly after, the Government of India laid down the principle that the expenses of the police maintained for the service of the town should be defrayed by its inhabitants. From 1867 a police rate was levied in Calcutta. Till 1876 the Justices of the Peace exercised

control over the budget of the Commissioner of Police. After 1881 as a result of Lord Ripon's Government's resolution on decentralisation and local self-government the Government took over the expenditure of police, and in 1888 the Corporation of Calcutta were admitted to the benefits of this policy. By Act II of 1888 the Corporation were relieved of their contribution to the cost of the city police on condition that the Corporation spent annually not less than 3 lakhs on works of sanitary improvements in the areas which were then amalgamated with Calcutta. The Government of India assigned to the provincial revenues a sum equal to two-thirds of the police charges assumed by the Local Government on the understanding that petroleum stored or consumed in Calcutta should be exempt from local taxation so long as it was subject to an Imperial customs duty."

Sir, the Government Committee, to which I referred at the beginning of my remarks, on the basis of the figures supplied by the Commissioner of Police, found that the estimated expenditure for 1921-22 for police establishment in Calcutta was 3,56,12,000. They laid down that Rs. 14,00,000 would be the cost of the police maintained exclusively for the benefit of the town, and taking credit for certain receipts under the Police and other Acts to which the town is obviously entitled they reported that the city would be required to pay not more than Rs. 12 lakhs yearly towards the cost of the police. The arguments for and against the imposition of a police rate are set out in paragraph 14 of the Committee's Report and it is unnecessary to reiterate them and take the time of the House.

The whole suggestion emanates from a strong feeling which seem to prevail among the representatives hailing from the mufassal that they have to contribute disproportionately towards the cost of the heavy establishment which is needed for the special requirements of the city. They forget, however, that the city contributes a great deal more towards provincial and imperial revenues in the shape of income tax, excise dues and other forms, for which it can claim special consideration in other directions. Moreover some members seem to ignore the fact that the considerations which led Government to grant relief from police charges in 1888 hold good to-day as strongly as before.

The Corporation are in the middle of a big water-supply scheme which will cost the city about Rs. 2¾ crores and it will entail an additional annual expenditure of 25 to 27 lakhs of rupees or so, on account of interest and sinking fund charges on the capital outlay and the increased cost of upkeep of the new machinery installed at the pumping stations. The Corporation, I understand, have just approved of schemes for the improvement of the internal drainage of the city and for a new outfall estimated to cost Rs. 95 lakhs. These two schemes will have to be taken in hand almost immediately. Besides these colossal obligations, the Corporation have since 1922 assumed the responsibility for

the improvement of primary education in Calcutta. Although under the arrangement with Government, the capital cost of erecting school buildings is apportioned between Government and the Corporation in the proportion of 2/3rds and 1/3rd, the whole recurring cost is to be borne by the Corporation. Whereas the expenditure on education and public instruction amounted only Rs. 1,48,000 in 1923-24, it has gone up enormously and the budget for the current year provides for an expenditure of Rs. 12 lakhs. When the final scheme for primary education is given effect to in Calcutta the total recurring expenditure will amount to Rs. 22 lakhs. The Corporation have also been assuming increased responsibilty in regard to medical relief, although the previous history of the matter will convince anyone that the responsibility for medical relief in Calcutta rests almost entirely on Government. The expenditure in 1923-24 on hospitals and dispensaries amounted to Rs. 3,60,000; the budget for the current year provides for an expenditure of Rs. 8,61,000. Owing to the difficulty of raising loans which the Corporation has been experiencing in recent years in common with the Government of India and other Governments, I understand, many urgent schemes of improvement have been held up.

Sir, another circumstance which has greatly added to the difficulties of the Corporation is the addition of Manicktolla, Cossipore-Chitpore and Garden Reach. If the improvement of these areas is taken in hand, as it should be, with some imagination and foresight it would be possible to develop them into nice residential suburbs to relieve overcrowding in Calcutta. The improvement of these areas will require a mint of money and it would be a great pity to throttle the activities of the Corporation in undertaking the development of these areas by seeking to impose additional burdens on it. On the top of these things is the additional rate which the citizens will have to contribute towards the cost of the new Howrah bridge.

4-45 p.m.

These considerations will I hope convince the members that the arguments against the imposition of the police rate still hold good as they were in 1922 when the Government Committee submitted their report. The city does not get its return for the full amount of the income tax it contributes, nor for the canal tolls, a portion of which at any rate ought to belong to the city but they go to the provincial revenue entirely. The amusement tax which is essentially a local revenue has also been appropriated by Government. I must depreciate strongly the attempt to pick out one item of expenditure while ignoring altogether the heavy contributions that the city makes to the provincial revenues.

With these words I emphatically protest against the attempts of Maulvi Abul Kasem and his friends to impose a police rate on this city.

Rai Bahadur KESHAB CHANDRA BANARJI: Sir, I rise to oppose the resolution which has been moved by Maulvi Abul Kasem. The mover has said at the outset that when in the year 1921 he brought forward an identical resolution for the consideration of the Council, it met with a very cold reception. The reasons which weighed with the then members of the Council in turning down the proposal hold good even now.

Sir, I have very little knowledge of the conditions prevailing in the city of Calcutta, but as far as my information goes, and I can say from my experience of the municipal areas of Dacca, which is the place of my birth and with the administrative problems of which I was intimately connected for over a decade, that it is physically impossible for the poor ratepayers to shoulder any fresh burden of taxation. Sir, the proposal the mover has made is absurd on the face of it and it is open to serious objection for obvious reasons. I would therefore request the House to consider the question very carefully before lending its support to it. With these observations, I beg to oppose the resolution.

Khan Bahadur Maulvi AZIZUL HAQUE: I have very carefully heard the arguments that have been put forward by Dr. Haridhan Dutt in opposing the motion of Maulvi Abul Kasem, but unfortunately in spite of his efforts to convince us I have not been convinced by his arguments. All that he has put forth is that the Calcutta Corporation has got an insatiable demand for money and he has not been able to show what the Calcutta Corporation has been able to do and what it proposes to do so far as the ex-municipalities of Garden Reach and Cossipore-Chitpore are concerned. If the Council did not know how the Calcutta Corporation has interfered with these municipalities the argument of my friend might have convinced us. Unfortunately the Calcutta Corporation did not care so much for the fringe areas, and the problems inside and outside the Corporation are so complex that it has to spend all its money for those purposes. I quite admit that the Corporation has got to spend a large amount of money for public utilities, but what I want to point out is that the rural people of Bengal are being asked to pay 60 lakhs or more to meet police charges while the police for the town of Calcutta, which has got enough money of its own, is being paid by Government. I quite realise that as a matter of fact Government took the responsibility of maintaining the Calcutta police but Government did that at a time when the people of the mufassal had very little say in the matter. It is only in recent times that the people of the rural areas are coming to the forefront, and since then inside this Council and outside it this matter is taken up year after year with a view to show the feelings of the mufassal people in this matter. We know that Calcutta contributes to customs and income tax, etc., but I think that is a very good reason why the Government of India should be asked to contribute towards the cost of the Calcutta police and not the people in

the mufassal. All that my friends have pointed out is that the Calcutta Corporation contributes to the excise revenue. I shall be very happy if the excise revenue is increased a little more, but certainly that is no argument why Bengal should pay for the police of this city. My friend has pointed out the instance of the Howrah bridge. He has utterly forgotten how people in rural areas, who have perchance to come to Calcutta, have to pay for the Calcutta Improvement Trust. I can appreciate that people who come to Calcutta should pay a certain amount of money for the purpose of maintaining the city of Calcutta but those who want to fly away from Calcutta, they also are compelled to pay a charge so that they might feel that they did come to Calcutta. At the cost of the mufassal Calcutta has built its magnificent roads and parks and other amenities of public life. I do not grudge Calcutta the luxury of these things. Probably it is as much necessary as anything else. But Calcutta should not take any money out of provincial revenues especially when we find that the rural areas have to contribute 60 lakhs of rupees as chowkidari taxes.

I will not take much of your time: I will only say this much that the present system of taxation in this country is already bad. I feel the difficulty of Calcutta. It yields a large part of the revenue of the Government of India, but that is no reason why provincial revenues should be made to pay for police charges.

My friend Rai Bahadur Keshab Chandra Banarji has sounded a note of protest against this resolution probably because next to Calcutta Dacca will be affected if this resolution is carried; but, Sir, I can assure you that these cities are so much a provincial problem not merely to Government but to the people at large that they should be able to meet the police expenditure from their own funds and not always depend upon others' shoulders to meet them.

I do not deny that a certain amount, even a large amount, of money which is contributed by Calcutta to the Government of India might be necessary for provincial resources and to this extent provincial resources should be responsible for the expenditure on Calcutta police, but I think that the principle of the resolution is this: that so far as Calcutta is concerned, it should entirely meet its police expenditure or if not entirely, at least a major portion of it. With these remarks I support the resolution.

The Hon'ble Mr. W. D. R. PRENTICE: I was going to congratulate the mover on his pluck in again moving this resolution before what he called on the last occasion an "unsympathetic House," but I see he has thought better of it and disappeared. Last time that he moved this resolution he wanted only the Calcutta Municipality to pay for its police, and one of the statements made by the Hon'ble Sir Arthur Moberly in replying to the debate was that Calcutta could not

be treated differently from the other municipalities in the province. The mover has got over this difficulty by adding another clause to this resolution, and now wants all municipalites to pay for their police. I do not imagine that this addition will make the Council less unsympathetic than it was a year ago. For the position is unchanged. There have been some argument by the mover and Khan Bahadur Maulvi Azizul Haque that people in the mufassal pay for their chaukidars and therefore Calcutta should pay for its police. As far as I could hear, or rather as far as I have been able to pay attention to Khan Bahadur Azizul Haque, he did not touch the difficult question whether the mufassal municipalities should pay for their police. I think he will probably not agree to that. However that may be, what they have forgotten is that chaukidars are not the only police in the mufassal areas; besides the chaukidars there are a large number of regular police, and there is a regular police system throughout the mufassal in addition to the chaukidar system. So that reference to the chaukidari tax, if it proves anything, only proves that the municipalities ought to pay a part of the cost of the police. What that part would be would have to be decided after consideration of the amount of work done by the chaukidars and the amount of work done by the ordinary police. However I am not going further into details; I would only repeat what Sir Arthur Moberly said a year ago "We cannot accept this resolution, but if at a later date it appears that there is a general consensus of opinion in Council that not only Calcutta but all towns should be taxed to pay for watch and ward and for the employment of police for special local purposes such as the regulation of traffic, and thus set money free for other provincial necessities, the Government would consider the question and would try to work out details. It does not appear this evening that there is at present any such general consensus of opinion but Government would examine the question if there is such a consensus of opinion." I also have to-night no evidence that there is such a consensus of opinion in the Council as must be an essential preliminary to any consideration of the question.

A technical objection has been raised by Dr. Haridhan Dutt with regard to the proposal in paragraph 3 of the resolution and that is another reason for my opposing the resolution, because Government cannot accept any resolution which wants to earmark the savings under one head for any particular purpose. The savings under any head must go into the general balances and cannot be reserved for any particular area or department. I am afraid therefore that for both these reasons I must oppose the resolution.

Maulvi ABUL KASEM: I find that the reply given on behalf of Government is the same at it was before. It appears that they are not prepared to earmark any revenue for the purpose of expenditure in

rural areas, and again Government say that if on that undertaking there is a consensus of opinion in the House that fresh taxation should be levied they would be prepared to consider the proposal. That is a hope against hope and I for myself will not agree to tax any of my countrymen unless it is to be for the benefit of the people in rural areas. I am sorry that the second time that I have come up here to impress upon the Government the needs of the rural areas, I have failed to do it and I have been as unsuccessful as before.

5 p.m.

The motion of Maulvi Abul Kasem was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Barma, Rai Sahib Panchanan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Guha, Babu Profulla Kumar.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Nagendra Narayan.
Rout, Babu Hoseni.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banarji, Rai Bahadur Keshab Chandra.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Maulvi Syed Osman Haidar.
Clark, Mr. I. A
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Dutt, Rai Bahadur Dr. Haridhan.
Basson, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Susil Kumar.
Ghose, Dr. Amulya Ratan.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gurner, Mr. C. W.
Haldar, Mr. S. K.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hussain, Maulvi Latafat.
Khan, Mr. Razaur Rahman.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Pravash Chunder.
Mookerjee, Mr. Syamapresad.
Nag, Babu Suk Lal.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. G.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Presad.
Prentice, the Hon'ble Mr. W. D. R.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Sen, Rai Sahib Akshoy Kumar.
Singh, Srijut Taj Bahadur.
Sircar, Dr. Sir Nilratan.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Suhrawardy, Mr. H. S.
Twynam, Mr. H. J.

The Ayes being 28 and the Noes 50 the motion was lost.

The following resolution was not put as it was covered by the decision of the resolution of Reverend B. A. Nag:—

Dr. Sir NILRATAN SIRCAR: "This Council recommends to the Government to raise the recurring grant to the Carmichael Medical College and Hospital, Belgachia, from Rs. 50,000 to Rs. 1,00,000 per annum."

Recommendations of the Simon Commission.

Mr. J. N. GUPTA: Mr. President, Sir, I beg to move that this Council recommends to the Government that the proper authorities be informed that, in the opinion of this House, the recommendations of the Simon Commission fall far short of Indian expectations, and are not inspired by any genuine ideals of liberal statesmanship to help India to attain complete political self-determination within a reasonable period of time and will have to be largely modified before they can be expected to satisfy legitimate Indian aspirations.

Babu SATISH CHANDRA RAY CHOWDHURY: On a point of order, Sir. There are about 20 resolutions on this point. I submit, Sir, arrangements should be made for all of them to be discussed together.

Mr. PRESIDENT: I pointed out the other day that the order of precedence as established by ballot is unchangeable and final. If any member realises that his own motion, which is behind the one before the House, is identical with it, he should seize the opportunity afforded by the one under discussion to speak on it, if he so desires.

Mr. J. N. GUPTA: Sir, we are unfortunate in being somewhat late in the field for any expression of our views on the subject of my resolution to-day. Nevertheless, although it might not be possible for us to make any fresh or original contributions to the already well-worn theme this Council would be failing in its duty if we do not, on the floor of the House, record our opinion on a subject which has engrossed such universal attention and on which the eyes of the whole civilized world may be said to be rivetted. Sir, I am sure we shall all agree that throughout the whole history of constitutional reform in India at no stage has such strong and universal disapproval of all shades of Indian opinion greeted the labours of any authoritative body as has met the recommendations of the Simon Commission. I venture to observe that it is not only much the reactionary and conservative character of the work of the Simon Commission but the radical change in the mentality of the Indian people which are responsible for this outburst of national indignation and disappointment. Sir, it will be a truism to say that

India to-day is not what India was in 1917 when the seeds of the present reforms were sown, or even what India was in 1928, when the Simon Commission began their labours here. The growth, of the stream of the political life of a nation is not to be gauged merely by the passage of time. During the last few months nay even during the last few days, that stream has become a cataract and Indian political aspirations have gathered a momentum and strength which may be described as truly staggering. The fundamental flaw of the Simon Report is its failure to appreciate those unfathomable and mysterious forces which go to produce the denouement in the last stages of a nation's struggle for political self-expression. A mere soulless survey of what only strikes the calculating eye and for which hidebound evidence is available will not enable us to get a glimpse of the deeper mystery to fathom which you have to have the rare inspiration of true political insight and imagination which the late Mr. Montague for instance possessed in such a striking degree, and which we are so thankful that at this critical stage in the history of India's travail towards political emancipation are possessed by that large hearted, brave and God-fearing statesman who is at the helm of the Indian Government to-day. Sir, the Simon Commission's objective would seem to have been to concede to us up to the limit of what they consider India might safely get having due regard to sacrosanct vested interests, and for which they might hope to be able to obtain the approval of all shades of political opinion in England.

5-15 p m.

But, Sir, there is still another view point which the Simon Commission have so grievously missed. It is the view point of Indian political aspirations to which Lord Irwin gave such beautiful expression in his admirable speech the other day, the minimum which politically-minded India will accept at the present moment. We are all familiar with the age-worn slogan under whose shadow the Simon Commission have so often taken shelter; shall we be justified in taking any great risks when the goal can perhaps be reached by easier, longer and safer stages. But, Sir, history has before now falsified the calculations of wiser minds than those who have sat in the last Commission and when the happiness and contentment of one-fifth of the human race and perhaps indirectly the interests of modern civilisation as a whole are at stake should not we be justified in taking some risk? It is after all Providence who makes history, and those who are blind to this larger view-point have no claim to sit as arbiters of the fate of India. I am aware that this observation cannot now help the Simon Commission but may be of some use to the members of the important conference who will shortly take a hand in framing the future constitution of the Indian Empire.

Sir, I am not one of those who would make a sweeping observation on the labours of the Commission or impute to them any deliberate anti-Indian motives. They have made some wise observations, and often approached difficult questions in a judicial spirit and formulated some unassailable and important first principles. In formulating that the future framework of the Indian political constitution should be autonomous and should contain within itself provision for its own development, and where further legislation is required it should result from the needs of the time, and not from an arbitrary demand of a fixed time table, the Commission undoubtedly stand on incontestable and solid ground. So also their wise observation that it is a matter of vital consequence that Britain should prove that she is actively desirous of assisting in those changes in the Army in India which make in the direction of the ultimate goal of Self-Government for India, and which alone will satisfy political India of British good faith. Unfortunately, however, while unfolding their final recommendations they seem to have yielded to the dictates of more sordid and calculating sentiments and throughout the second volume of the report I fail to find any key as to how the constitution now adumbrated for India is to develop in the future. How for instance in the sphere of the provincial administration the dictatorial powers now given to the Governors are to be restricted and the administration made really responsible to the elected legislature, as it is now in name only. And the recommendations of the Commission for the future of the Indian Army are if anything still more blatantly disappointing and sufficient to justify Indians in doubting the good faith if not of British statesman generally but certainly of the members of the Commission. Sir, it will not be possible for me to pass in review the underlying regulating principles on which the Commission have based the fabric of their recommendations, but I will choose only one or two such topics which to my mind furnish crucial tests of the sincerity and breadth of view of the Commission. One of these tests is afforded in their support of separate electorates for Hindus and Muhammadans. I have no desire to raise any communal issues, but in this critical stage of our national life I do not think we should be afraid of speaking out our mind or fail to have the courage of our convictions. In that case we shall be false to the best interests of the future of the country. As pointed out by even an English organ of liberal opinion, *The Nation*, this attempt of the Simon Commission to envisage a system of constitutional evolution for India on the basis of disunion and division betrays a want of appreciation of the many subtle ways in which the system of separate electorates corrupts public life, turns democracy into a farce and raises into political leadership bitter types of self-seeking fanatics while leaving no group of impartial electors to be wooed and courted by the candidate. With communal and separate electorates the growth

of parties on national lines will recede every day into greater distance and communal views and jealousies will poison and ultimately wither the frail plant of representative institutions which we are attempting to graft in this country. Another crucial test to my mind is the paramount need in any scheme of constitutional reform for India for strictest economy and the husbanding of all available resources of the country for its economic and industrial regeneration. The financial adviser of the Commission who may be trusted to represent the mind of the Commission in this matter has ably and forcefully pointed out the extraordinary poverty of the Indian people, the crushing burden of unremunerative military expenditure and the extreme scantiness of expenditure on social service such as education and sanitation. Yet the Commission has failed to recommend any change for the reduction of the expenditure either on the Army or on the top heavy Administration which is the curse of the Reforms. It is evidence of such pusillanimity and infirmity of purpose dictated partially by the desire to produce a united report, which has exasperated Indian politicians of all shades and has led even such a wise critic as Sir Tej Bahadur Sapru to exclaim that the entire report is a constitutional monstrosity and marks an absolute want of constructive statesmanship.

Sir, it will not be possible for me within the short time at my disposal to critically examine the entire scheme of reforms presented by the Commission. But it is necessary on the floor of this House that we should examine what enhanced powers the Commissioners are prepared to recommend for the Provincial Councils. It has been contended in some quarters that Indian nationalists should be grateful that the Commission have recommended the abolition of diarchy and inauguration of complete autonomy in the sphere of provincial administration. But is this really the case? Mr. Chintamani, no mean critic, indignantly remarks that the provincial autonomy which the Commission have recommended is a camouflage, a farce, and a fraud. In place of the present system of diarchy with Ministers in charge of the transferred subjects and the members of the Executive Council in charge of the reserved subjects we will have a Ministry consisting of elected members and non-elected persons, the latter being ordinarily officials and all the departments of the administration will be in charge of the Ministers. But no limit has been placed upon the number of official members. The essence of representative government is that the executive should be responsible to the Legislature. The executive in the province will consist of the Governor and his cabinet. The Governor himself will be wholly irresponsible to the Legislature and the official element in the Cabinet will also be irremovable by the vote of the Council. This will thus be a mere travesty of representative Government. It will be open for the Governor to have a Chief Minister or not,

and even if he has a Chief Minister he will not be bound by his advice for the selection of the colleagues. As the official members of the cabinet will not be ordinarily removable by a vote of the Council, the joint responsibility of the cabinet will be quite unreal. The distribution of portfolios will remain entirely at the discretion of the Governor, and it is not inconceivable that the Governor may concentrate all important departments in the hands of the official Ministers, while the elected members of the cabinet may be left in charge of unimportant departments only.

5-30 p.m.

This, as it would be obvious to the House, is a retrograde measure and will be actually taking away from the elected members of the Council such powers which they possess under the existing constitution. Amongst the most irritating and, to my mind, entirely superfluous recommendation of the Commission is that the cabinet should have amongst them an official Secretary who will have direct access to the Governor over the heads of the Minister and, if need be, over the head of the Chief Minister himself. There has been a good deal of heart-burning over the recommendations of the Commission that Law and Order should be made over to the control of the Council. This is no doubt a statesmanlike and bold step. It may also be said that some amount of risk has been accepted in making this recommendation. Personally I frankly confess that I also at one time had my doubts about the wisdom of such a step. But I have had my eyes opened and I have received a very rude shock by the examples of the manner in which law and order are being preserved in various parts of the province under their present official custodians. The Commissioners have themselves advanced reasons why it is imperative that there should be no further delay in entrusting Indians with those departments dealing with the defence of their own hearths and homes. But having made a statesmanlike pronouncement on the subject the Commissioners seem to have suffered immediately after from a weakness of their knee joints and their obsession to placate adverse criticism, with the result that in substance their recommendations make hardly any advance on the present position. They plainly hint that these departments should be placed in charge of an official member of the cabinet, though there will be no statutory requirement on the subject. The Criminal Investigation Department is to be exclusively under the Governor, and the officers of the Imperial Services, the Indian Civil Service and the Imperial Police, who would be responsible for the maintenance of law and order, would also be under the Governor and not under the Ministers. It may be argued that these theoretical powers need not in all cases be exercised by the Governors, and it has been said that some of them may have the good sense to entrust these

departments to the elected Ministers. As regards the dictatorial powers which are proposed to be centred in the hands of the Governor, it may be noted that these powers are not for emergency occasions only but also in the ordinary exercise of his prerogative. It has already been stated that he is to appoint Ministers and choose their portfolios. His powers of certification will not be confined to reserved subjects only as at present but could be exercised practically over the whole field of the administration. But this is not all. It has been further recommended that if the Governor is unable to form or maintain in office any Ministry for want of support from the Legislature he will have powers to declare that a state of emergency has arisen and in that case all the powers possessed by him and his cabinet will vest in him. He will have further powers to sanction expenditure and to make laws regardless of the wishes of the Legislative Council. Under such circumstances is it to be wondered at that the proposed Ministry has been regarded as a farce and it has been said that only such elected members who are willing to co-operate slavishly with the official members will accept office? Having given these extraordinary autocratic powers to the Governor the Governor in his turn has been made responsible to the Governor General in a manner which makes provincial autonomy a mere shadow. It is not only in matters relating to law and order but in all matters the Governor General would have a commanding voice. Even in the appointment of Ministers the Governors will be expected to consult the Governor General. At present it is only in the reserved subjects that the Governor General has statutory powers of interference, but in the proposed scheme the Governor General's control will extend to all branches of the administration in matters in regard to which the Governor has been given his over-riding and emergency powers. At present the Provincial Governments can raise loans but this power is proposed to be taken away from them in the Simon scheme. In financial matters also the old system of giving doles by the Imperial Government is sought to be revived. It will thus be obvious that in reality the Commission have hardly taken any forward step as far as provincial autonomy is concerned, whereas in many respects their recommendations are distinctly retrograde.

I do not propose to go into details about the Commissioner's recommendation regarding the Central Government. Generally speaking no new element of responsibility has been introduced in the scheme of the central administration and the executive will remain wholly independent of the Legislature. The Commission recommends the principle of federation but as has been well said in such a form as would promote the disintegration rather than the unity of India. The constitution of the Legislative Assembly has been changed and indirect election is recommended in place of the direct system of elections at present in vogue. The

nationalists interpret this as an attempt to weaken the national character of the representative Assembly of the people, by preventing people who have a wider influence than is covered by any provincial constituency to enter the Central National Assembly. The second Chamber is to remain as it is. The existing powers of the Viceroy and the Governor General are not to be touched. But the Viceroy is to receive some notable enhancement of his powers in which his Council will have no share. There is no substantial relaxation in the power of supervision of the Secretary of State. The only recommendation which savours of a liberal spirit is the one authorising the Governor General to appoint his own Council members, one or two of whom could be selected from the elected members of the Assembly.

In the whole range of the recommendations of the Commission however the one that is most astoundingly retrograde relates to the apotheosis of the Indian Army and placing it on an entirely separate pedestal under the control of the Governor General and the Commander-in-Chief over which the Indian Assembly will have no control. It is worth while pointing out that even under the present constitution under the provision of the Government of India Act, 1919, it was optional for the Governor General to direct that the appropriation of revenue for the Army could be discussed by the Legislative Assembly, and as a matter of fact since Lord Reading's time the Military budget has been discussed by the Assembly, though it could not be voted on. It was in pursuance of discussions in the Assembly that we had the Incheape Committee, whose recommendations resulted in a reduction in the Military budget of India by 20 crores of rupees. But now it is proposed that for the maintenance of the Imperial Army India will have to pay a fixed annual subsidy of 55 crores. Well may nationalists complain that they will be responsible for maintaining what has been described by even a British statesman as a foreign army of occupation, which no doubt will be responsible for external defence and the internal peace of the country, but which will no less effectively serve to keep India in perpetual tutelage bound to the chariot of British Imperialism. And this brazen-faced peace of jingoism is defended by the bogie of the menace from the Indian frontier and the increasing difficulty of preserving internal peace. The frontier menace, judged in the light of European and Asiatic politics, is far less serious now than it was ever before, and Indian nationalists present a more united front to-day than what could have been dreamt of even a year ago. As regards the military capacity of the Indian Army the Commissioners seem to have suffered from unaccountable shortness of memory for they could not have been entirely unaware of the encomiums which were showered on the Indian Army during the last Great European War, when they passed through the severest ordeals in a manner which won the admiration of the whole world.

This conservative and wholly unwarranted backsliding of the Commission regarding the position of the future of the Indian Army not only falsifies the hollow protestations made by the Commissioners themselves in the first volume of their report but if accepted will present the most insurmountable barrier to Indian future progress. Not only is it an obvious axiom that to attain political self-government Indians must be able and be prepared to take upon themselves the defence of the country but unless however by the strictest economy India is able to reduce the monstrously heavy expenditure on the Army which now consumes 62½ per cent. of the current expenditure of the country, and is proportionately higher than that of any other country in the world, there is little hope of any economic or material advance in the future. It must be obvious to every impartial critic that as long as this gross inequality between the expenditure on the Army, Police and Administration of the country, which now consume no less than 75 per cent. of the income, whereas for sanitation and public health only 1 per cent. of the revenue is available and for education no more than 6 per cent. in a country where 95 per cent. of the people are illiterate any scheme of constitutional reform under such conditions will be a hollow mockery and a sham.

But it might be said that we are wasting breath, and now that the Viceroy has himself declared that the recommendation of the Simon Commission will not form the basis of the discussions of the free Round Table Conference and this view has been endorsed by the British Labour Government, the question arises whether it is worth while to take any considerable pains to examine the scheme or to suggest in detail in what particular directions the scheme can be so improved as to be acceptable to Indians. It is my personal opinion that it would be wise if the scheme of the Simon Commission were to be placed side by side with the scheme of the Dominion Status adumbrated by the All Parties Conference, generally known as the Nehru Report, and a practical scheme evolved by a comparison of the two which will give India practically what is known as Dominion Status, namely, a scheme of responsible government in which responsibility for the Indian administration will be shifted from the people of England to the people of India, and the executive will be responsible to the Legislature and the Legislature will have the same powers as in the other British Dominions. It would be worth while to do so to convince impartial British statesmen and the civilized world that, while we are adamant about our minimum demands for political self-government, we are prepared to be reasonable as far as necessary safeguards which might be considered desirable during the transitional stage. I have not the capacity nor the intimate technical knowledge necessary for the drawing up of such a scheme, but broadly speaking I would suggest that in the provincial sphere autonomy should

be complete and the whole cabinet must be removeable by the vote of the Council. It is no longer open to us to experiment with halfway houses between autocratic and irresponsible and responsible schemes of Government. The emergency powers to be vested in the Governor should be strictly limited as also the subordination of the Governor-in-Council to the Central Government. Fullest financial autonomy should be granted to the provinces so far as consistent with such powers and resources to the Central Government as might be deemed necessary. In this connection the recommendation of the Nehru Report that a commission should sit to enquire into the resources and revenues to be assigned to the Central Government and to the Provincial Governments respectively, with due regard to the efficient administration and development of the services or subjects under the respective control of either and the financial relations which should exist between the Central and the Provincial Governments commends itself to me. The recommendation of the Simon Commission about the position of the public services is obviously wholly untenable and inconsistent with any scheme of responsible administration in the country. The establishment of a permanent Public Service Commission as recommended in the Nehru Report to go into the whole question of the recruitment, appointment, discipline, retirement and superannuation of public officers would seem also to be an obvious necessity. In the scheme of the Central Government there would seem to be some room for a compromise between the Simon Commission and the Nehru Scheme. It may not be possible to introduce full responsibility in the Central Government and for the present Law and Order and the Army may be considered as reserved subjects in charge of official members of the Viceroy's Executive Council till the next stage of the constitutional evolution. The recommendations of the Simon Commission about the Indian Army are wholly unacceptable and retrograde and a far more liberal policy must be inaugurated which will aim at placing a Dominion army in the control of the Commonwealth of India within a reasonable period of time. Sir, to enable us however to press our recommendations home and to win from the British Parliament and the British people a substantial increase of our political powers which will place us in a position of equality with other Dominions of the British Crown, it is necessary that we should present an absolutely undivided front.

I would therefore conclude with an earnest appeal to the leaders of all communities to sink their communal differences for the common good of the Indian nation, and at this supreme hour of the nation's trial to call to their aid those noble virtues of self-abnegation and unflinching heroism of which they have given such conspicuous proof in the course of the present struggle but at the same time to harness their ardent patriotism with a due sense of historic proportion and

of the inexorable realities of the present situation. May I also venture to appeal to all right-thinking Englishmen either in this country or in their island home to rise to the full height of their responsibilities and justify their heritage as the pioneers of the world's freedom by inaugurating an era of peace and prosperity in India for which they will not only earn the blessings of 300 millions of the human race, but serve the best interests of their own country as well.

5-45 p.m.

The Hon'ble Mr. A. MARR: Sir, I think it is only fair to you and to the members of the House for me to take the earliest opportunity of explaining what the position of Government is in this matter. Obviously it is impossible for members of Government to take part in this discussion or to take part in any vote that may arise from this discussion. At the same time I can assure all the members of the House that we shall listen to this debate with the greatest interest and Government will send a copy of the debate when it is finished to the Government of India for their information.

Mr. SHANTI SHEKHARESWAR ROY: I beg to move by way of amendment that from the resolution of Mr. J. N. Gupta, the words "fall far short of Indian expectations, and are not inspired by any genuine ideals of liberal statesmanship to help India to attain complete political self-determination within a reasonable period of time and" be omitted.

I am moving this amendment with a view to urge that any expression of opinion of this Council as a whole about the findings of the Simon Commission should be couched in terms likely to create as little controversy as possible. I hope that the different interests represented in this House will agree that the recommendations of the Commission must be largely modified before these can be considered as acceptable. That is a proposition to which we all subscribe. The hon'ble member speaks of expectations of the country from the Commission. I wish to say that though our minds were full of high aspirations of attaining self-government and overflowing with high hopes about the future uplift the Indian nation in the scale of nations, in the committee of self-governing states of the empire, yet it would be a delusion to suppose that constituted as it was, we Indian entertained any "expectations" from the Commission.

As regards the nature of the recommendations of the Commissioners, I think in discharging this self-imposed task of sitting on judgment upon them, we should not insinuate that they were inspired by any sinister motive. As a matter of fact, there are some bright spots in the sombre canvas of anomalies and incongruities with which the report unhappily abounds and one of these is the extension of the

franchise. We should be thankful for this small mercy. I am doubtful if any useful purpose will be served by going into details at this stage in this Council.

The resolution before the Council is rather vague and though we may press our individual views, these will have no authoritative sanction behind. In discussing the report from the provincial point of view one must touch upon the grant of provincial autonomy. To be plain, if autonomy is to be accepted, at its proper value, without being sugar-coated by any illusory and elusive false allurements to hoodwink the people, shorn of subterfuges, then, I am constrained to say that the autonomy proposed by the Simon Commission is no autonomy at all. It is a base metal, not the genuine article. What was demanded by the united voice of all India was Dominion Status. And we have got instead the puny stilted provincial councils denuded of all real power and denied all privileges of final authority in controlling the affairs of the State. Now let us bestow a moment's thought on the claim of the Simonites that they have eliminated the vicious system of diarchy that knocked the bottom out of the wily assumption of autonomy in the provinces. Well, what constituted the diarchy namely, the two halves of the Government, the representatives of the people, the ministers, — the mouthpiece of the elected members of the Council and the representatives of the Government—the present-day members. This arrangement goes by the name of diarchy. If one eliminates altogether the official representation, then only can he say that he has done away with diarchy. But if he retains it with all its tinsel, pomp and glory, with what face can he declare that he has helped to dispense with the deadweight of diarchy? And if the decisions of the Simon Commission still retain the use of the representatives of the Government in the persons of the "nominated ministers," even the shadow of plausibility of his argument vanishes. Then you have got the precious secretary who has got free access to the Governor to report to him all the proceedings of the Ministers' Cabinet and all sundry and casual remarks made by any ministers and to give any colouring to the work of the ministers, behind their back. Over and above this, the last straw on the camel's back has been the boundless and indiscriminate powers of veto and revision heaped upon the Governor. The people of Bengal demand unequivocally that there must not be any such anathema on the Council as the official ministers, that there must not be superimposed such a halter as the backbiter and backsliding secretary and lastly the Government must inaugurate the rule of constitutional heads of provincial Governments after the manner of the Governors and Governors General in Australia, Canada and South Africa, who are known to carry on the government according to the mandate of the sovereign Parliaments of the states concerned, and not in obedience to the dictates of the civil service.

If Indians are asked to declare which of their aspirations they look upon as foremost and dominant, they will demand in a resonant voice that they wish to sound the death knell of the Indian Civil Service rule and are yearning to plant the banner of popular government under popularly elected representatives of the people and implement the people's power, making the Indian Civil Service only servants of the people and no longer the masters. That is popular government, that is hallowed self-government, the halo of which has well nigh fascinated the souls and lighted up the foreheads of thousands of patriots and martyrs of the land. Let it be a happy and hallowed consummation now. We want the untrammelled rule of sovereign Parliaments in the country. If you declare in stentorian voice that you are implanting the flag of self-government, do so sincerely, without any mental reservation, without any cunning subterfuges and without any confounding camouflage. In dealing with this matter in a general way, I cannot help alluding to the carping remarks of the Commission about the slough of despond in India wrought about by the so-called degrading and stagnating social customs of the land. Far be it from me to take up the gauntlet on behalf of the hoary social customs of the Hindu society. I hope and trust that the remarks of the Commission are not meant as the thin end of the wedge and that no dire onslaught is designed to be directed against the age long customs of the Varnashram Dharma that has proudly withstood the ravages of age, of foreign invasion and unrighteous slings and sledge hammer blows dealt with unmitigated fury and savagery.

I want to make one other observation before I resume my seat. We are going to have a federation of self-governing units of different independent states. Now, what about the status of the nationals of one State—Unit in another sister state?

I avail myself of this opportunity to voice the opinion of lakhs of Bengalee settlers in different Indian provinces. The condition of the Bengalee settlers in the Punjab, the United Provinces and Behar is not enviable indeed to speak the least of it. I think under the new dispensation there should be strict regulations to properly safeguard the interests of the settlers of one province in another with due amount of sympathy.

Maulvi TAMIZUDDIN KHAN: I would not have at all intervened in this debate but for certain observations of the hon'ble mover of the resolution. The resolution, as it stands, deserves the unanimous support of the elected members of this Council, at least the Indian section of it. But, Sir, it appears that the mover has very injudiciously introduced the communal issue and therefore made it impossible for many of us to record a silent vote in favour of the resolution.

Sir, almost all Indians are unanimous that the report of the Simon Commission falls far short of Indian expectations, and I think our grievances over this has already been sufficiently ventilated. I do not like to say anything about these grievances against the Simon Commission Report which have been sufficiently put forward in the speeches of my predecessors to-day. I only regret that the mover should have said that the Simon Commission was wrong in recommending a separate electorate for Muhammadans in this province. Sir, it is a very sad commentary upon the relations between the different communities in this country that the Simon Commission was compelled to make a recommendation like that, and that the Muhammadan community should always be insistent upon a separate electorate for their representation in the legislatures of this country. If, Sir, the relations between the two major communities in this province had been what they should have been, the Muhammadans would not have demanded separate electorates for their representation. Separate electorate is a thing which no one likes for its own sake, but taking facts as they are I submit that in the mind of the Muhammadan community there is an apprehension that unless there is this separate electorate it cannot be adequately represented in the legislatures. Of course, even among the Muhammadans there is a body of opinion which is opposed to it and there may be considerable force in that, but still the majority opinion in this country, is that separate electorate is a thing which the Muhammadans cannot give up at present. Therefore, Sir, if the Simon Commission has recommended that the Muhammadan community should be represented through a separate electorate it is not because they have any intrinsic liking for it, but because of the almost unanimous demand of the Muhammadan community and I think the Commission would have been wrong if they had disregarded this demand of the Muhammadan community.

6 p.m.

Then, Sir, it is a matter of great regret that while the Simon Commission has recommended separate electorates for Muhammadans in Bengal, it has done a great injustice to the community by recommending that the Muhammadans should be represented in the legislatures in accordance with the Lucknow Pact. The Lucknow Pact was a thing which the Muhammadans in Bengal, have never accepted because it has done a great injustice to them. They are now unanimous that the Lucknow Pact cannot stand in view of the changed circumstances of the country. The Lucknow Pact practically condemns the majority community in the province to a perpetual state of minority. If the Lucknow Pact stands, I would revise my opinion and would not demand separate electorate but joint electorate for the Muhammadans.

Although the Simon Commission has done well by recommending that at the present stage there should be separate electorates for Muhammadans, it has done a grievous wrong by recommending that they should be represented in the legislatures in accordance with the Lucknow Pact. We want representation in accordance with our numerical strength, and that is a demand which no reasonable man can characterise as at all unreasonable. The Simon Commission seems to have thought that as a matter of principle no community which is in a majority in a province should be given a majority representation by means of separate electorates. I submit, Sir, the Commission introduces contradictory recommendations when it says so, because in other provinces, for instance in Bombay, Madras and the United Provinces, etc., it has in fact recommended that the majority community should be represented through separate electorates, although it has not said so in so many words. In these provinces, the Commission has recommended that the Muhammadans should have a certain percentage of seats, say 30 or 35 and no more, and that means that the majority community in these provinces will have as a matter of fact majority representation through separate electorates. Therefore, Sir, as a principle the Simon Commission in one way seems to think that the Muhammadans in Bengal should not be given a majority representation through separate electorates, although it has recommended majority representation through separate electorates for other majority communities in other provinces. Therefore, we also say that the recommendations of the Simon Commission fall far short of Indian aspirations, and this is so particularly with regard to the Central Government. So far as the provincial Governments are concerned, the recommendations of the Commission are no doubt a distinct advance upon the present constitution, although we do not say that they are all that we want. We want much more. The Commission seeks to give certain things by one hand but takes them away by the other. The Commission's recommendations, even so far as the provinces are concerned, thus fall far short of our expectations, but with regard to the Central Government it has proposed to give nothing whatsoever. India never expected that so far as the Central Government is concerned the Commission would be so very uncharitable, and, therefore, Sir, we have full sympathy with the present resolution with the reservations that I have already stated.

Maulvi ABDUS SAMAD: Mr. President, Sir, in view of the events that have happened since the publication of the Simon Report and in view of the recent Viceregal pronouncement that the Simon Commission Report will not form the basis of discussion at the Round Table Conference the Report has lost much of its value. But as it is being discussed in the House I would like to say a few words about its merits or rather its demerits.

Sir, this Report is a curious piece of document. The moderates, the Moslems, the Sikhs and the depressed classes, not to speak of the Congressmen, are all dissatisfied with its recommendations. It is not acceptable to any community or party and its merits and demerits have been discussed threadbare in the press and in public platforms, and the same views are being echoed in the speech just now delivered by the mover. So, Sir, I would not take up the valuable time of this House by repeating the same arguments over again, but would confine myself to only one point, viz., the right of separate representation accorded to the Moslems.

Sir, the worst feature of the Simon Report is its recommendation to perpetuate communal representation by separate electorate on the basis of the Lucknow Pact. I admit, Sir, that communal representation by reservation of seats may be justified on certain political considerations but, Sir, communal representation by separate electorate cannot be justified under any circumstance whatsoever. It is inconsistent with the Responsible Government which the Report pretends to recommend. It is more harmful to the minority community to protect whose interests it is sought to be justified. It divides the two communities by separate watertight compartments and makes one community apathetic to the interests and welfare of the other. Under such an electorate a Moslem candidate seeking election shall have to declare that he is a Moslem first and Indian next. The more communal and anti-national propensity he would show, the greater would be his chance of success. Similarly a Hindu candidate seeking election shall have to adopt a similar procedure. The result is inevitable. Since the inauguration of the Reformed Constitution the feelings between the Hindus and Moslems are being gradually embittered and communal riots of the worst type are the order of the day. The leaders are helpless and have to connive at the aggressive attitude of the ringleaders and the mobs for fear of losing their support at the time of election. I shudder to think, Sir, of the dissastrous consequences that would follow if this sort of communal representation by separate electorate finds a permanent place in the Statute Book.

I know, Sir, there is a section of my community who, guided or rather misguided by the so-called leaders, demands separate electorate and seeks to justify it on the ground that it is necessary to protect the special interests of the Moslem community. I would ask these leaders to kindly point out the special interests which require protection and which can be safeguarded by separate electorate. If they be in the majority in a Council or in a local body they have nothing to fear from the other community. If they are in the minority their interests can never be safeguarded, if their so-called special interests go against the interests of the majority community. Whereas if the electorate be joint the members of the majority community shall have always to

respect the sentiments and interests of the minority community whose votes would play an important part in securing their election. It is also urged that in a joint electorate candidates with pro-Hindu tendency only would be able to get themselves returned. Sir, it is an insult to the intelligence and sense of patriotism of the Moslem community to think so, and I would ask them to see the condition prevailing in the local bodies where joint electorate prevails. Can they point out a single instance where the Moslem members returned with Hindu votes have betrayed the cause of their own community? So, Sir, it is clear that Moslem interests cannot suffer by joint electorate. If there be any apprehension, it can be safeguarded by inserting a clause to the effect that no bill, resolution or motion, affecting the religious and customary rights of a community, be introduced or moved if opposed by a majority of that particular community.

Sir, the seven Parliamentary members composing the Simon Commission are shrewd politicians and diplomats of the highest order. They must have fully envisaged the evil results that would follow the perpetuation of the separate electorate. In fact they have admitted that the present day Hindu-Moslem tension and quarrels is to a great extent due to the system of electorate sanctioned by the existing reformed constitution. They have admitted, to quote, Sir, the exact language of the Report, "that division by class and creeds means the creation of political camps organised against each other and teaches men to think as partisans and not citizens." Sir, knowing all this and in spite of strenuous opposition of the nationalist leaders, both Hindu and Moslem, they have recommended a measure which is subversive of all national interests and which will forever prevent the growth of Indian nationalism. Sir, the reforms recommended by the Simon Commission are not worth the paper on which they are written when the effects thereof are to create dissension between Hindus and Moslems. Sir, divide and rule has been the policy of all imperialistic nations and the British people are following the same policy under the cloak of responsible Government.

Rai Bahadur KESHAB CHANDRA BANARJI: Sir, I rise to make a few observations on the Report of the Indian Statutory Commission, the recommendations of which are not only "inadequate, unsatisfactory and disappointing," but retrograde and reactionary in character. It has been proclaimed and admitted by competent authorities that the ultimate goal of India is responsible Self-Government and to quote a post-war phrase—Dominion Status. I know there have been attempts—very ingenious indeed, but not fair—to whittle down the import of the Declaration of 1917, but His Excellency the Viceroy's November address stands as an authoritative announcement on the subject setting at naught the mischievous interpretation of the die-hards.

and laying at rest the qualms of the politically-minded Indians. To the November Declaration the Simon Report is a standing challenge—a challenge which has administered a deep cut across the cardinal points of the announcement and has exasperated Indian feeling considerably. The Report has stiffened the attitude of those of my countrymen who declared the Commission a trap and a hoax and has belied the expectations of those who courted unpopularity and public opprobrium in pinning their faith in the Royal Commission. The Commission's Report is significant in one sense that the best of the seven minds of England are unanimous in depriving India of her legitimate demands. This has added one more instance to the long list of broken promises and has let down British prestige to a considerable extent. This is a lessen which has alarmed those Indians who in the teeth of strong public opposition co-operated with the Simon Commission. Happily for India and England, His Majesty's Government have thought fit to declare that the Commission's Report is not the last word on the subject: it is merely a report which will be discussed and considered on its own merits. And we are sure the little merit it may pretend to possess is lost in the whirlpool of defects that the Report contains.

Sir, the Commission's survey of the conditions of India is, to say the least, unfortunate. The Commissioners have presented things in a way which goes to establish India's unfitness for self-rule. They have demonstrated their utter incapacity to grasp the real problems and to realise that India of to-day is pulsating with a new life and her activities are finding expression in various ways. But they have the ingenuity in setting things in such a way as to give a different picture—a picture which cannot pretend to be in touch with reality. They have missed the real point that India inspired with new life is making rapid strides towards the attainment of the cherished goal; they have simply noted that India's progress is not encouraging. Thus the real and new India has been left out of consideration and the India with all her cartloads of traditions and superstitions portrayed in vivid colours. Such a picture, born of an unsympathetic attitude and callous understanding, is worthy of a propaganda bulletin but not of a State document.

The findings of the Commission, truth to say, have left me cold. The Commission have, of course, recognised the principle of federalism for India and so far so good. In the scheme of provincial autonomy, the Commission have recommended provisions for official ministers—a finding which militates against the cardinal principle of the joint responsibility of Ministers. In any scheme of Self-Government, the cabinet must be responsible to and removable by the Legislature. If officials be Ministers then the underlying principle of cabinet government falls to the ground. No student of constitutional history can possibly grudge the reasonable reserve powers of the administrative head in the hope that they will fall into disuse through non-exercise but the

vetoing power of the Governor as contemplated by the Simon Commission goes beyond proper limit and thus they are sure to arouse mistrust and suspicion. The reserve powers should not go beyond the preservation of law and order and the protection of minorities.

Then, Sir, the Government at the centre remains irresponsible as it is to-day and the "Federal Assembly"—a very happy name indeed—will be after all a debating body without any hope of influencing the irresponsible executive in any way. The findings as regards problems of defence are thoroughly disappointing. The Army budget is even now sacrosanct; but at the direction of the Governor General it was thrown open to discussion in the Assembly. But the Commission recommend to take the Army out of the Government of India and place it in the hands of the Viceroy. Thus the Federal Assembly will stand as a mute witness to the Imperialistic military policy of Britain—a situation which would be intolerable in any scheme of Government. On a perusal of the Army recommendations, one could notice that India exists for the military exigencies of Great Britain. An Imperial outlook pervades right through and Imperial considerations have guided them from start to finish in framing their recommendations. It is a monstrous recommendation that the Government of India will contribute handsomely but the Federal Assembly far from directing the Army policy will not even be in a position to offer criticisms, however futile, and suggestions, however constructive, to the Army organisation in India which is to be sacrificed at the altar of Britain.

Sir, I do not wish to go into the details of the Commission's recommendations which are unsympathetic and all the more unfortunate as the Indian taxpayer's money is wasted over them. I desire to draw the attention of this House that the Simon Commission by ignoring the just claims of landholders have betrayed a lamentable lack of imagination and appreciation of the history of India. The zamindars and their tenants have stood by Government through sunshine and storm and have never been slow in extending their loyal support to them in working the constitution. The Commission have failed to recognise that the owners of the land and the tillers of the soil are the real factors that count in India and to ignore the one is to jeopardise the interests of the other. The interests of the landlords and their tenants are inseparably bound up together and no constitution can be of any value unless their rights and privileges are given the consideration that they deserve.

Sir, one word more and I have done. The Layton scheme is not also satisfactory. Sir W. T. Layton has not disturbed the defence ratio which he himself admits to be extremely high. He admits that India is a poor country and yet recommends fresh taxation: New taxation, Sir, is not the remedy. Sir Walter Layton has made no suggestions to effect economy by carrying out *in toto* the recommendations of the Inchcape Committee or by reducing the Army expenditure; he explores

avenues of new taxation. In this connection, I desire to point out that the imposition of income-tax on agricultural incomes will only have the effect of subverting the basic principles of the Permanent Settlement of 1793. There should be no further inroads on the rights of the landed aristocracy of Bengal. I may point out, Sir, that land revenue is a tax —not an economic rent—and any further taxation will mean double taxation which cannot be justified on any ground. Under no circumstances, income-tax on agricultural incomes can be morally justified, especially in the permanently-settled areas.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I confess, I have not been able to join in the chorus of strong language used against the report of the Simon Commission. On the contrary, looking at it from a point of view which is perhaps not the point of view from which it has been looked at generally, I have always considered it to be a brilliant, luminous and magnificent piece of work. Look at it as a presentation of the whole case of England against India's freedom put forward by England's most brilliant Advocate. Look at it from that point of view and you will find that it is not only a brilliant piece of advocacy, not only a luminous exposition of principles as understood by Englishmen, but also the most valuable constitutional document for which Indians ought to be very grateful. And for this reason, as I have said, the Simon Commission Report has put forward the whole case of England against India's freedom summarised and presented by the most brilliant Advocate of England, and when you find that the case, as thus presented, is so weak and so absolutely untenable, there is a very great cause for gratification and satisfaction on the part of those who seek to get freedom for India. The Simon Commission has throughout made a point of emphasising and magnifying the difficulties in the way of the immediate grant of constitutional self-government to India. It has brought forward all that can be put forward as an obstacle to the grant of immediate self-government, and throughout the report, page after page, you can see that the whole mass has been drawn as a red herring across the path of India's freedom.

And what are the difficulties? There are the Indian States. No one who reads the report can forget that there are the Indian States, that they represent one-third of India, that they are very important assets, and their interests have got to be considered. A formidable difficulty in the way of granting self-government to India! Very well, I admit that this is a problem which gives rise to the greatest amount of difficulty in formulating a scheme of constitutional reform of government for India. This is a problem which has not been shirked by the Indian students of the question. It is a problem which has been given the largest amount of space in the Nehru Report. Look at the treatment of the subject in the one and look at it in the other.

The Simon Commission is content with magnifying the obstacle which has been raised by the States, and when it comes to the solution of the problem, they can suggest nothing better than saying "sever India into two parts," the States going directly under the sovereignty of His Majesty the King and under the supervision of the Viceroy. That is to say, divide India into two not only for now, but permanently. Because, although there is a pious hope expressed that in future these States would think fit to come into Indian federation, no one who knows facts would ever think of that dream being realised. Well, it is a dream not to be realised, because coming into the Indian federation would necessarily imply the grant of constitutional rights to the subjects of the Indian States to such an extent that the Indian princes would be the last persons to grant them, unless they are wrenched away from their hands by the people themselves. That is the solution that the Commission has offered. I say, Sir, it is an insult to the great intellect of Sir John Simon to say that a lawyer of his eminence could not offer a better solution of this problem. I do not think that he could have for one moment felt impressed with the argument advanced by Sir Leslie Scott that the paramount authority of the Government of India could not be transferred to a constitutional government in India. We know of cases in history in which protectorates have passed along with the transfer of sovereignty. If that was possible, in the case of, for instance Crete, is it not possible as a proposition of international law, or of quasi-international law to lay down that with the cession not of the sovereignty but of the administration of the Government of His Majesty to the people of India the constitutional powers would pass on to the hands of the people. That is a proposition which is so much in consonance with the principle of and so far well established in international law that I think it would be an insult to Sir John Simon to say that he was not aware of the principle. Well, Sir, I say that the fact is that this problem has been shirked by the Simon Commission.

Then there is that great difficulty against the grant of constitutional Government immediately to India—India has not got a national army which she can call her own, a difficulty which I realise more than any one else with shame and disgust. But the answer to that has been given by that gallant soldier, Sir Frank Younghusband. Who has placed India in that position? Why have you during the 150 years not placed India in the position of a nation of having an army of its own? It is perfectly true that a national army is essential for the existence of a national Government. With regard to that proposition, no one enters into a controversy with the Simon Commission; but, as has been pointed out very pertinently, that there is no substance in the argument that India must have a national army to defend herself against foreign invasion before she can have Dominion Status. May

I ask, was there a national army in Australia or Canada before self-government was granted to them? The answer is not attempted by the Simon Commission. They have put forward an answer which is not convincing. What is the solution suggested by them? The answer is, India must eternally be kept in a position in which she is not fully self-governing: take off the Indian Army they say to be administered by the Viceroy.

6-30 p.m.

Sir, that is the solution which has been offered for the second difficulty raised by the Simon Commission. This difficulty is simply put aside by the Commission, and it has been solved by it in a way which only ensures a continuance of the British connection—not only of the British connection, but also of the British domination.

Now, Sir, with regard to this question of the defence of India, again, I must tell you that the Nehru Report gave the most careful consideration to this question, and the solution offered there is so reasonable that one wonders why the Simon Commission simply brushed it aside. The Nehru Report does not say that the Indian Army should forthwith come fully under the Indian Parliament, which would be more or less of an experimental character. The Nehru Committee suggests that the army should be controlled by a Committee of Defence on which there should be represented some of the ministers and some of the commanding officers of the various branches of the army. Now, there we have an equal number of ministers and an equal number of generals to constitute the Defence Committee which will have full control over the internal affairs of the Army. Power is reserved to the Governor-General in Council to keep certain matters outside the control of the Legislative Assembly. That was an honest and sincere attempt to solve this difficult problem. It would not only give India an army which would not keep her under the perpetual hegemony of England but, on the other hand, it would give training to Indian statesmen to handle the military problem efficiently, familiarise them with the difficulties of the military problems, and enable them to develop the Indian Army and assume full control of it when the time came. That is the way in which the problem can be, and should be, solved. The Simon Commission felt itself unequal to the task of solving it. I am afraid it is too great a strain on our credulity to believe that some of the best brains of England failed to find a solution for the problem.

Now, Sir, the next red herring is the Hindu-Moslem question which has been made much of by the Commission. I do not, for one moment, minimise the gravity of the problem. I think that, however it may have come about, it exists there. I know that the summary of the situation which has been given by the Simon Commission as regards

this question is not correct. It does not give the whole truth about the matter. I know that there are some things behind it which have not been appreciated by the Simon Commission. But has the Commission tried to solve the problem? No. The Commission has simply said: "We won't solve it." It has given a slap in the face of communalists on both sides by saying, "You have made your bed by the Lucknow Pact, and now you should lie on it. We are not going to help you out." Now, Sir, that is, I believe, the most valuable part of the Report. That is a reminder to those who are harping continuously upon communal interests and communal rights that we must compose our differences, that we must stand side by side and make up our quarrels before we can achieve our object, and that we have nothing to lose but everything to gain if we sink our differences and present a united front to the whole world. Now, what is the answer which is given by the Simon Commission to the problem of Hindu-Moslem relations? The answer is: "We cannot do anything; we cannot find a solution." But we must find a solution in any case. Whatever may be the facts as regards the Hindu-Moslem question, we have got to tell the Simon Commission and the British Government: "We will find the solution." We have got to solve it in our own way, and our answer to England should be: "Let us have it all our own way, and we will solve it in no time." (Hear, hear.) It is not true that a solution of this problem cannot be found. The members of the Simon Commission cannot be assumed to be so ignorant of what has been happening since the War in many European countries as not to know that there new constitutional devices have been designed to protect the interests of minorities and of persons who are in a position of disadvantage. Well, Sir, there is not a word about those safeguards—not a word about these attempts that have been made to solve the question of minorities—in the Report. It simply says: "We cannot solve the problem." It is shelved, and for what reason? It is shelved, because if you find a really effective solution for the problem, you would be giving away the whole case of England for dominating over this country. That is the reason, perhaps, why it was shelved. Otherwise, it is impossible to believe that the Commission could not have found a solution for this problem. Let us now take the solution which has been proposed by the Nehru Report———

(Here the member having reached his time-limit, resumed his seat.)

Mr. W. L. TRAVERS: Mr. President, Sir, I disapprove of a portion of the resolution that has been moved by Mr. Gupta. Therefore, in spite of the fact that Mr. Gupta and Mr. Bose have brought to their aid forces about which an Englishman is not ashamed to confess trepidation, I feel that I must oppose this resolution. But, Sir, before I go on I should like to prefix my remarks by saying that what

I have to say to-day is my own opinion—my opinion alone. I am not speaking to-day as President of the European Association, for that Association has not yet formulated its ideas upon the Simon Report, nor am I speaking even as the Leader of the European group of this House. I am speaking only as a Member of this Council—proud to be in the position of one who has served Bengal in this Council for a continuous length of time greater than any other member of this House, either British or Indian. And when I cast, Sir, my mind back and think of the Legislative Council of Bengal as it was before the present constitution came into being—when I think of these 10 years that we have had of diarchy, and when I think again of the proposals of the Simon Commission in reference to the future, what amazes me, indeed, is the fact that so much progress has been, and will be, made towards self-government and the satisfaction of the legitimate aspirations of our Indian fellow-citizens in the government of this country. When the recommendations of the Simon Commission are enacted into law—when the next constitution is introduced in this province in the near future—surely, Bengal—nay the whole of India—will have complete self-government, provided the minorities are left alone. That is how I view the proposals of the Simon Commission in reference to Bengal.

It is true, Sir, that because of the immense size, because of the diversity, because of the huge population of this continent, the recommendations of the Statutory Commissioners are that the basis of self-government shall be the provincial States, and that Bengal with its 47 millions of people shall be a self-governing State. But, surely, if one considers the wider issues involved, the federal solution appears to be the only solution. It will give the control of their destiny to the composite people of this province,—the 47 millions of Bengalis,—and similarly to the people of other provincial States, leaving the Central Government to administer only those departments which must from their very nature be managed by an All-India Authority.

Sir, I have listened to the speeches of Mr. Gupta and other members of this House with a feeling of disappointment. It seems to me, Sir, that he and other members of this Council are still thinking of India's constitution being framed on what the Commissioners state to be the British model—the model of a country so small and so tiny compared to India, and with a population not equal even to that of Bengal alone. Sir, I am not going this evening to repeat the arguments in the Report in regard to that question. They are stated there lucidly and clearly, and to my mind it is impossible to refute those arguments. But, Sir, one might for one moment compare the people of this country with those of the United States of America. Surely, in regard to the centre there is not much difference between the position of the United States citizen and the Indian citizen! I am referring to the proposals of the Commissioners.

Leaving that point aside for a moment, I wish once more this evening to draw the attention of this House to—to stress the immensity of—the three great difficulties which are in the path of India's progress to complete and entire self-government in the centre and in the provinces too. I feel that we often get away from the practical issues involved in these obstacles. Those difficulties are there. It is useless, it is foolish to try to say that they are not there. The three difficulties, of which we have heard in many speeches this evening, are: first of all, the position of the great Indian States; secondly, the Army and Defence; and thirdly, the communal chasm that exists, so unhappily, between the followers of the two great Indian religions. As regards the first, the recommendations of the Commissioners provide for a solution in the future. In regard to that solution, Sir, I say that many of us—Britishers—earnestly desire that that solution should be, if possible, far more concrete. We Britishers desire that the all-India building may be completed more quickly than the Commissioners recommend. We agree with many others in this country, and with the mover of this resolution, in the desire—the ardent desire, the very natural desire of all Indians—that India as a country and India's peoples shall be placed in a position of absolute equality with other countries and their people. (Hear, hear.) We are with the hon'ble mover of the resolution in this desire, but, Sir, we cannot—I cannot—at present agree that there should be responsible government in the centre. These difficulties, as I have said, are there and we cannot get over them by simply thinking that they are not there.

6-45 p.m.

The Indian princes cannot be compelled to enter into an All-India Federation and surely the solution must be that for all India. They have their treaties with His Majesty the King-Emperor and their entry therein depends upon their own choice and their own desire.

Next there is the army of which we have heard so much. Some solutions—many—have been put forward before, but of those solutions I have seen none that is practical except that of the Simon Commission, and why did the Commissioners make these proposals as they are. Do they not state in their report that they make those proposals so that the question of the army should no longer obstruct the progress of India towards self-government? I think Mr. Gupta should not forget the reason for which they place the army in the category in which they do. There are many of us here also who think that the proposals in regard to the army may be enlarged and that perhaps dominion troops of sufficient efficiency may be created, but the creation of an army must be slow and one cannot get over that fact.

There is another fact which I must once more bring before Mr. Gupta and it is this: That whatever happens in the future it must not be forgotten that British soldiers will never serve under an Indian Government as mercenaries.

Now lastly let us come to the communal problem, which forms a chasm that unhappily exists between the followers of India's two great religions. Now, Sir, a solution of that difficulty depends surely upon the united efforts of Indian leaders. Can we or do we, at the present moment, see any indication that there is any possibility or probability of the great communal question being settled? I do not wish to create bitterness or make the bitterness that is in existence at the present moment worse. We have heard to-day a speech from one Muhammadan member which raises this question: Is it not a fact that at the present moment Muhammadans throughout India feel that, although they have noted the offer of a separate electorate in the recommendations of the Simon Report, yet they regard the future, if the recommendations as laid down in that report are enacted, with anxiety and trepidation? Is it not a fact that that anxiety and that fear is due to the fact that the Muhammadans in this province and in the centre may be under the domination of a Hindu majority? I say that now and without any equivocation. Speaking on the larger issue and the justice of that issue, I think and am of the definite opinion that the Muhammadans in Bengal should have a representation based upon the percentage of their population. I say that because it seems to me that in spite of the arguments in the report, in six provinces in India the Hindus are in a majority and in two provinces, namely, Bengal and the Punjab, the Muhammadans are in a majority, it is but right and just that the Muhammadans should have the advantage of their majority. But I leave that point alone for the moment. Does the present position from what we read in the papers from day to day of the fears of the Muhammadans lead us to the conclusion that there is a probable solution of this, the greatest difficulty to my mind, before the educated people of India? I say to Mr. Gupta and other Indian leaders that if they can by some means or other find a solution of that difficulty they can then take the non-official Britishers much farther, far farther on the road towards self-government than they are at present prepared to go. I say that because, whatever may be said of it, whatever may be the criticism on it, it is a fact that Great Britain owing to the accident of history is still responsible for India's minorities throughout this great country.

In conclusion I would say to Mr. Gupta that we non-official Britishers are, and will be, only too ready to do anything that we possibly can towards the solution of that great difficulty or of any others. The second assurance that I would give is that whatever may come out of the Round Table Conference, whatever may come out of the Simon Report, whatever constitution comes into existence in this country, whether it

be more towards my desire or towards the ardent hopes of Mr. Gupta, whatever that may be, we Britishers will do our best to ensure success to the new constitution. We have associated ourselves completely in this House with the constitution that is now in Bengal, and in the future it will be our hope and our desire that our services may be of value to our Bengalee fellow-citizens in the Bengal Legislative Council.

The resolution of Mr. J. N. Gupta was then put and agreed to.

The resolution of Mr. J. N. Gupta being carried, the amendment of Mr. Shanti Shekhareswar Roy failed.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 19th August, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 19th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 107 nominated and elected members.

Accident at Bhola steamer station.

*94. **Maulvi MUHAMMAD HOSSAIN:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware that at the two very important steamer stations of the Barisal-Bhowaniganj Feeder Service line, viz., Bhola and Kalupara, there are no resting houses for passengers?

(*b*) Is the Hon'ble Member also aware that an unfortunate incident took place on 11th May, 1930, in the small barge boat used at Bhola for keeping cargoes as well as booking office and in which passengers accommodate themselves owing to the absence of a resting house, resulting in the instantaneous death of one and severe as well as slight injuries to many other passengers?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state how the incident took place?

(*d*) Will the Hon'ble Member be pleased to state—

(*i*) the nature of injuries; and

(*ii*) the number of persons injured?

(*e*) What steps, if any, have been taken by the Company to make adequate compensation to the sufferers concerned?

(*f*) What action, if any, have the Government taken or do they propose to take against the Company in this connection?

(*g*) Will the Hon'ble Member be pleased to state whether there was any police inquiry into the matter?

(*h*) If the answer to (*g*) is in the affirmative, what is the purport of the report?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) There is a rest-house with male and female accommodation as well as a receiving flat at Bhola. The rest-house was built in 1929. There is no rest-house at Kalupara.

(*b*) An accident did take place at Bhola station on May 11th. One person was killed and seven injured: all the injured persons were discharged from hospital by 15th May.

(*c*) and (*d*) A barge brought by a previous steamer had been unloading and was lying alongside the landing flat. Its hatches were closed and covered with tarpaulins.

Passengers waiting for the Bhowaniganj passenger steamer crowded on the edge of the flat and refused to move in order to let the barge be moved away. When the steamer came, waiting passengers crowded on the barge and disembarking passengers also came across it. One of the hatches gave way, causing the death of one—an invalid—and injuring others.

(*e*) None. It is stated that the deceased had no dependants.

(*f*) None. This is a matter for the aggrieved parties.

(*g*) Yes.

(*h*) As stated in (*c*) above.

Maulvi SYED MAJID BAKSH: With reference to answer (*e*), will the Hon'ble Member be pleased to state by whom it was stated that the deceased had no dependants?

The Hon'ble Mr. A. MARR: By the steamer company.

Maulvi SYED MAJID BAKSH: Did the Government make any inquiry?

The Hon'ble Mr. A. MARR: No.

Grand Trunk Road between Asansol and Burdwan.

***95. Mr. E. C. ORMOND:** (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether it is a fact that no major repairs have been executed on the Grand Trunk Road between Asansol and Burdwan for a considerable period, with the result that the road is now in a serious state of disrepair?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, have been taken to improve the condition of the Grand Trunk Road between Asansol and Burdwan?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Faroqui): (*a*) It is not clear what is meant by "major repairs." Repairs to the road were executed where considered necessary, as far as funds permitted.

(*b*) Steps have been taken to carry out the ordinary repairs to the road during the current financial year. The actual condition of the road cannot be improved until funds are forthcoming for such improvements.

Classification of political prisoners.

***96. Mr. SYAMAPROSAD MOOKERJEE:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to lay on the table a statement showing—

(*i*) the different classes under which political prisoners are grouped;

(*ii*) the variation in the treatment accorded to the prisoners in the different classes; and

(*iii*) the number of political prisoners belonging to each of such classes at present under detention?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) and (*ii*) The member is invited to read the rules for the superintendence and management of jails and sub-jails in Bengal a copy of which is laid on the library table.

(*iii*) The member is invited to read the reply to starred question No. 39 (*a*) (*ii*) asked by Maulvi Syed Jalaluddin Hashemy, M.L.C.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether a member of this Council is entitled to be classed as a Division I prisoner?

Mr. PRESIDENT: That is no question.

Expenditure on works of public utility by local bodies in Burdwan.

*97. **Maulvi SYED MAJID BAKSH:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the total amount of expenditure for water-supply, construction and repair of roads, bridges, etc., medical expense and expense on education in each thana separately in the district of Burdwan during the last 22 years;

(*ii*) the expenditure for water-supply, construction and repair of roads, bridges, etc., medical help, education and jungle-cutting in each union board separately with the names of the union boards in Raina and Jamalpur thanas in each year after the formation of the union boards?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Faroqui): Statements furnished by the Burdwan district board giving the information required as far as available are laid on the table. Statistics are not available for individual union boards.

Statement showing expenditure on heads relating to clause (i) of starred question No. 57.

BURDWAN DISTRICT BOARD.

Heads of expenditure.	Amount expended during												Total.
	1918-19	1919-20	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29	1929-30	
	Rs.	Rs	Rs	Rs.	Rs	Rs	Rs	Rs	Rs.	Rs.	Rs.	Rs.	Rs.
1. Water-supply—New Work ..	27,660	62,944	58,608	43,172	66,612	87 495	1,17,881	56,943	89,175	1,27,423	81,221	43,516	8,62,645
2. Water-supply—Repair ..	1,420	7,217	4,002	4,593	3,137	3,784	13,475	4,316	31,241	8,608	12,965	4,415	79,168
Total ..	29,080	70,161	62,608	47,765	69,749	91,279	1,31,356	61,259	1,00,416	1,36,026	94,186	47,931	9,41,813
3. Communication—Original ..	85,102	1,77,077	1,58,100	90,915	65,088	1,39 986	1,04,092	1,01,148	1,44,656	1,04,907	21,637	21,782	12,14,491
4. Communication—Repair ..	2,03,477	2,82,169	3,10,387	2,50,589	2,13,303	3,11,374	2,30,061	2,66,531	3,46,778	2,83,255	1,35,839	75,624	29,21,322
5. Education ..	1,09,855	1,15,798	1,08,499	1,14,318	1,24,782	1,27,090	1,22,175	1,28,363	1,32,711	1,38,285	1,42,766	1,35,986	13,00,828
6. Medical ..	88,109	69,992	84,524	88,247	92,062	90,445	1,05,547	1,01,474	1,13,421	1,18,054	1,14,399	1,29,219	11,56,484

Statement referred to in clause (ii) of starred question No. 97, showing the expenditure during the ten years after the formation of the union boards.

THANA JAMALPUR.

Heads of expenditure.	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29	1929-30	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Water-supply	..	.	..	..	..	..	..	..	..	..	69,754
Construction of roads	..	..	..	..	..	..	..	..	..	..	24,180
Repairs of roads and bridges, etc. ..	The figure includes expenditure on the road which lies partly in Memari thana and it cannot be separated.										1,24,652
Medical help	7,329	9,627	8,196	9,842	10,529	8,806	8,392	8,686	9,483	7,352	88,241
Education	4,871	5,362	5,168	5,293	5,255	5,262	5,291	5,141	5,090	4,917	51,650
Jungle-cutting	Included in the figure of road repairs, so far jungle-cutting on the road side is concerned. Expenditure on jungle-cutting was not allowed out of the district fund.										

Statement referred to in clause (i) of starred question No. 97, showing approximate expenditure on Water-supply—New Works for the period from 1918-19 to 1929-30, thana by thana, based on the actual number of wells sunk in each thana and the average expenditure for each well.

	Thana.	Average expenditure.
		Rs.
1.	Khandaghosh	... 22,800
2.	Raina	... 43,837
3.	Ausgram	... 57,667
4.	Katwa	... 39,209
5.	Mongolkote	... 25,650
6.	Memari and Satgachia	... 68,001
7.	Jamalpur	... 83,704
8.	Burdwan	... 29,584
9.	Sahebganj	... 28,277
10.	Galsi	. 41,040
11.	Kalna	... 65,490
12.	Ketugram	... 22,627
13.	Manteswar	... 14,250
14.	Purbasthali	... 47,880
15.	Bhatar	... 1,710
		5,91,726
16.	**Asansol subdivision**	... 2,70,922
	Total	... 8,62,648

Statement referred to in clause (ii) of starred question No. 97, showing the expenditure during the ten years after the formation of the union boards.

THANA RAINA.

Heads of expenditure.	1920-21	1921-22	1922-23	1923-24	1924-25	1925-26	1926-27	1927-28	1928-29	1929-30	Total.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Water-supply	..	..	..	..	..	..	..	..	..	..	36,531
Construction of roads	.	..	..	.	..	..	..	..	..	..	36,880
Repair of roads and bridges	The figure includes expenditure on the road which lies partly in Khandaghosh thana and it cannot be separated.										1,77,605
Medical help	5,618	5,995	5,187	6,059	6,357	4,885	5,011	5,286	6,683	6,662	57,753
Education	7,757	8,243	8,915	8,218	8,662	8,396	9,142	9,110	9,051	7,983	85,477
Jungle-cutting	Included in the figure of road repairs, so far jungle-cutting on the road side is concerned. Expenditure on jungle-cutting was not allowed out of the district fund.										

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state the reason why the expenses for Bhatar thana are so small?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Licensed guns in the Dacca City.

*98. **Rai Bahadur KESHAB CHANDRA BANARJI:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing at the present time—

(*i*) the number of licensed guns in the Dacca City;

(*ii*) the number of Hindu licence-holders;

(*iii*) the number of Muhammadan licence-holders;

(*iv*) the number of guns owned by Hindus;

(*v*) the number of guns owned by Muhammadans; and

(*vi*) the names of such licence-holders, both Hindus and Muhammadans, and their municipal addresses?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) 754.

(*ii*) 425.

(*iii*) 311.

(*iv*) 386.

(*v*) 306.

(*vi*) Government are not prepared to give this information.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state the number of licence-holders of guns in the city of Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: Adding (*ii*) and (*iii*) the number is 736 excluding other communities.

Noabad taluks in Chitagong.

*99. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state when the final publication of the revisional survey in Chittagong is expected to be completed?

(*b*) What is the rate of allowance allotted to the talukdars in the revisional survey in Satkania, Chakaria, Banskhali and Anwara?

(*c*) Will the Hon'ble Member be pleased to state whether a consolidated allowance has been allowed or separate allowances have been allowed for intermediate etmamdars between raiyats and talukdars?

(*d*) What are the assets of the etmamdars and raiyats and the Government revenue in each of the following mahals and what is the percentage of allowance allotted to them:—

(*i*) in police-station Chakaria Noabad Taluk No. 78 Haridas;

(*ii*) in police-station Banskhali Noabad Taluk No. 420 Tazanissa;

(*iii*) in police-station Banskhali Noabad Taluk No. 33647 Potal Hari;

(*iv*) in police-station Banskhali Noabad Taluk No. 34671 Tarini Charan; and

(*v*) in police-station Anwara Noabad Taluk No. 9134 Dewaubibi?

(*e*) How many Noabad taluks were sold in revenue sale on the 23rd June, 1930, and how many out of them had to be purchased by the Government for want of bidders?

(*f*) Is the Hon'ble Member aware that on account of the insufficient profit allotted to the Noabad talukdars in the revisional survey it has become very difficult for them to maintain Noabad mahal any longer?

(*g*) Are the Government considering the desirability of reconsidering the Noabad assessment in Chittagong for the protection of the talukdars?

(*h*) Is the Hon'ble Member aware that the Chittagong Zamindars' Association have unanimously passed resolutions for reassessment of Noabad taluks in Chittagong and submitted them to Government for favourable consideration?

(*i*) Are the Government considering the desirability of inquiring into the matter?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) It is expected to complete the final publication by 31st March, 1931.

(*b*) Rates vary from 30 per cent. to 50 per cent. according to the circumstances of each case.

(*c*) A consolidated allowance has been given as the talukdars created the etmams in limitation of their profits.

(d) (i) Noabad Taluk No. 78 Haridas in police-station Chakaria:—

Raiyati asset of etmamdars—Rs. 6,372-15.

Raiyati assets of talukdars—Rs. 6,587.

Government revenue—Rs. 3,468-8.

Percentage of allowance allotted to talukdars—40 per cent.

Percentage of allowance allotted to etmamdars—Varying from 15 to 30 per cent.

Besides the allowance at 40 per cent. of the assets given to the talukdars, a consolidated sum of Rs. 806-2 was deducted from their assets of Rs. 6,587 for upkeep of embankments.

(ii) Taluk No. 420 Tazanissa in police-station Banskhali:—

Asset of the etmamdars—Rs. 2,976-7.

Asset of the talukdars—Rs. 5,347.

Government revenue—Rs. 2,961-8.

Percentage of allowance allotted to the talukdar—45 per cent.

Percentage of allowance allotted to several etmamdars—Varying from 15 to 30 per cent.

(iii) Taluk No. 33647 Potal Hari in police-station Banskhali:—

Assets of etmamdars—There is no etmam in this taluk.

Asset of talukdar—Rs 74-2.

Government revenue—Rs. 52-12.

Percentage of allowance allotted to talukdar—30 per cent.

(iv) Noabad Taluk No. 34671 Tarini Charan in police-station Banskhali:—

Asset to etmamdars—No etmam.

Asset of talukdars—Rs. 13-8.

Government revenue—Rs. 9-4.

Percentage of allowance allotted to the talukdar—30 per cent.

(v) Noabad Taluk No. 9134 Dewanbibi in police-station Anwara:—

Asset of etmamdars—Rs. 157.

Asset of talukdar—Rs. 296-11.

Government revenue—Rs. 207-12.

Percentage of allowance allotted to the talukdar—30 per cent.

Percentage of allowance allotted to several etmamdars—15 and 20 per cent.

(*e*) 66 Noabad taluks under the management of the Court of Wards defaulted, but none of them was sold in revenue sale on 23rd June, 1930.

(*f*) This department has no such information.

(*g*) No.

(*h*) Yes.

(*i*) No.

Unstarred Questions

(answers to which were laid on the table).

Reproduction Section of the Bengal Drawing Office.

120. Mr. S. M. BOSE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the Reproduction Section of the Bengal Drawing Office submitted a memorial to the Hon'ble Member in March last?

(*b*) If so, what action has been taken in the matter?

(*c*) What action has been taken in the matter of the grievances of the Reproduction Section of the Bengal Drawing Office referred to in the speech of Maulvi Jalaluddin Hashemy, M.L.C., during the last budget discussion?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) In April last the Reproduction Section of the Bengal Drawing Office submitted a memorial to the Hon'ble Member in charge of the Revenue Department through the Director of Land Records, Bengal.

(*b*) and (*c*) After a careful examination of the case, Government have come to the conclusion that the grievances of the Reproduction Section, if any, are not such as to require immediate redress.

Government Fisheries in Dacca.

121. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether Dacca Collectorate Tauzi No. 16122 Buriganga is a Government fishery?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether it has been settled after the expiry of the previous lease on 31st March, 1930, either to a non-fisherman speculator or to the fishermen's co-operative society?

(*c*) If the fishery has been settled to a non-fisherman speculator, what are the reasons for it?

(*d*) Will the Hon'ble Member be pleased to state whether the Collector of Dacca wrote any letter to the Secretary of the All-Bengal and Assam Fishermen's Association in November, 1926, for the formation of co-operative societies to take lease of Government fisheries?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government fisheries have been leased out to the All-Bengal and Assam Fishermen's Association? If not, why not?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) The fishery has been resettled with the previous lessee Khan Bahadur Nawabzada Muhammad Afzal, a non-fisherman.

(*c*) The reasons for the resettlement of the fishery with a non-fisherman are as follows:—

(*i*) The father of the present settlement holder upheld at great expense Government's claim to the fishery against some fishermen and the Kasimpur zamindars.

(*ii*) The fishery has not yet yielded any profit to the lessee if litigation expenses are taken into consideration.

(*d*) In October, 1926, the Collector of Dacca wrote to the Assistant Registrar of Co-operative Credit Societies, Dacca, suggesting the constitution of a co-operative society of fishermen for estate No. 8377—Jalkar Khodadudpur—and expressing sympathy with the co-operative movement.

(*e*) Of the five fisheries in the district of Dacca three have already been settled with fishermen's co-operative credit societies.

Licentiates of Medical Schools and Governing Body of the State Medical Faculty of Bengal.

122. Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member in charge of the Medical (Reserved) Department be pleased to state the reasons for not allowing any seat in the State Medical Faculty of Bengal to the licentiates of Medical Schools?

MEMBER in charge of MEDICAL (RESERVED) DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): Reference is presumably to the Governing Body of the State Medical Faculty. The reason that it does not include licentiates of the Medical Faculty from Medical Schools is that the policy has been to constitute the Governing Body from the leaders of the medical profession who naturally hold higher degrees.

Motor buses in Dacca.

123. Mr. ANANDA MOHAN PODDAR: (*a*) Is the Hon'ble Member in charge of the Police Department aware that motor buses are not allowed to pass through some of the important thoroughfares in Dacca town, viz., Islampur Road, Lyal Street, Babubazar Road and Mitford Road?

(*b*) Is the Hon'ble Member aware that this causes serious inconvenience to the public?

(*c*) Is the Hon'ble Member also aware that motor buses are not allowed to enter the Dacca Railway station to pick up passengers therefrom?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons why the bus-owners were refused their licences by the Eastern Bengal Railway authorities?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) No. On the contrary, such traffic would be dangerous as the roads named are not wide enough for it.

(*c*) Yes.

(*d*) Government have no information.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that motor-bus owners were permitted by the railway authorities at first to pick up passengers and subsequently they were prevented on the appearance of the Deputy Inspector-General of Police?

The Hon'ble Mr. W. D. R. PRENTICE: Not so far as I am aware.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to institute an inquiry as to the reasons for disallowing motor buses from picking passengers at the railway station?

Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member be pleased to state whether it is a fact that motor-bus licence was refused at the instigation of prominent Muhammadan residents in order to safeguard the interests of the Muhammadan hackney-carriage owners?

The Hon'ble Mr. W. D. R. PRENTICE: I may tell the Hon'ble Member that shop-keepers and residents along the roads through which the buses would pass strongly objected to their passing along the roads as they were so narrow and dangerous.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that motor-bus owners were not allowed to pick up passengers from the railway station by the railway authorities?

The Hon'ble Mr. W. D. R. PRENTICE: I have no information.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to institute an inquiry into the matter arising out of answer (*c*)?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will give details I shall take whatever steps may be necessary.

Classification of two Ordinance prisoners at Howrah.

124. Dr. AMULYA RATAN CHOSE (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that Santi Kumar Das Gupta, Ram Krishna Bhattacharjee and two others, who were sentenced to six months' simple imprisonment on the 10th July last under the Intimidation Ordinance of 1930 by Mr. J. C. Sen, Deputy Magistrate, Howrah, were at first classed by the trying Magistrate as "B" class prisoners but that the order regarding classification was subsequently altered and they were put in class "C"?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the circumstances under which the previous order was changed?

(*c*) Is it a fact that the presiding officer altered the order under instructions from any higher authority?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Assuming that Ram Krishna Bhattacharjee is a mistake for Ram Krishna Mukherjee the answer is "Yes."

(*b*) It was changed by a letter written on the following day by the trying Magistrate who, on further consideration of the information at his disposal, considered his previous orders for classification to be unjustified.

(*c*) No. Subsequently, on representations made to the District Magistrate, the case of Santi Kumar Das Gupta was examined, and the Local Government, on a report that he was of superior status, classified him in Division II.

Classification of prisoners.

125. Babu HARIBANSA ROY: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to lay on the table a statement showing—

(*i*) the number of persons imprisoned for political offences in Bengal from April, 1930, up to the 20th July last;

(*ii*) how many of these prisoners have been treated as A or B class prisoners; and

(*iii*) whether any applications were made for being placed in A or B class?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) how many such applications were made; and

(*ii*) how many of them were granted?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) 4,303 up to the end of July for offences in connection with civil disobedience.

(*ii*) 1,280.

(*iii*) Yes.

(*b*) In the case of applications made to the Local Government during the period referred to—

(*i*) 55;

(*ii*) 15.

System of Attorneyship examinations.

128. Babu PROFULLA KUMAR GUHA: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the system of the Attorneyship examinations held under the Calcutta High Court.

(*b*) Will the Hon'ble Member be pleased to state the number of students who appeared and passed respectively in the Intermediate and the Final Attorneyship examinations of the Calcutta High Court held in the years 1920-29?

(*c*) Is it a fact that very few of the successful candidates pass in all the subjects in every term in the Attorneyship examinations, and their marks are raised to reach the minimum pass marks?

(*d*) Is it a fact that there is no syllabus fixed for these examinations?

(*e*) Is it a fact that while a large amount has accumulated in the fee fund, the Board of Examiners has still kept up that high examination fees in spite of repeated representations of the candidates to lower the fees?

(*f*) Is the Hon'ble Member aware that the articled clerks to the solicitors have got to pay a very high premium which sometimes goes up to a prohibitive sum of Rs. 10,000?

(*g*) Is the Hon'ble Member aware that there is a large number of articled clerks already awaiting to qualify themselves for enrolment as solicitors and that the majority of them are detained year after year for some reason or other?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Full particulars of the examination and of the fees chargeable are contained in the High Court Rules and Orders, Original Side. Certain proposals for the amendment of the rules are under the consideration of the Court.

(*b*) A statement is laid on the table.

(*c*) The information is not available.

(*d*) The subjects of the examination are given in the rules referred to.

(*e*), (*f*) and (*g*) The information is not available.

Statement referred to in the reply to clause (b) of unstarred question No. 126.

Year.	Final.		Intermediate.	
	Number of candidates appeared.	Number of candidates passed.	Number of candidates appeared.	Number of candidates passed.
1920.				
February ..	11	8	17	6
August ..	11	3	14	7
1921.				
February ..	15	3	22	8
August ..	18	5	26	3
1922.				
February ..	18	8	30	5
August ..	17	6	42	14
1923.				
February ..	18	6	40	23
August ..	26	13	29	11
1924.				
February ..	31	11	23	7
August ..	33	6	30	9
1925.				
February ..	32	9	28	4
August ..	33	6	40	6
1926.				
February ..	35	11	33	10
August ..	21	5	44	11
1927.				
February ..	24	5	28	7
August ..	25	4	34	8
1928.				
February ..	27	10	40	12
August ..	30	3	37	7
1929.				
February ..	31	5	40	7
August ..	25	6	48	15

Licences for guns, revolvers and pistols in Dacca.

127. Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing the names of the persons to whom licences for—

(*1*) guns,

(*2*) revolvers, and

(*3*) pistols

have been granted in May, June and July, 1930, in the city of Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: Statements are laid on the table.

Statements referred to in the reply to unstarred question No. 127.

STATEMENT I.

Statement showing the names of persons to whom licences for guns have been granted in May, June and July, 1930, in the city of Dacca.

1. L. K. Nixon, Esq.
2. Babu Ashutosh Sen.
3. Ataharuddin Ahmed.
4. Ali Mistri.
5. Maulvi A. K. G. Safder.
6. A. F. Mujahar Rahaman.
7. R. A. Hancock.
8. Kumud Kanta Sen.
9. Babu Sudarsan Chandra Maitra.
10. Mrinalini Debi.
11. Pashupati Ganguly.
12. Babu J. C. Banerjee.
13. Khaje Mahamad Moazzam.
14. Khan Bahadur Syed Ahmed Bakht.
15. K. C. Mukherjee.
16. Babu Surendra Nath Roy.
17. Babu Nirmal Chandra Sen.
18. Babu Gopendra Lal Pakrasi.
19. Dr. B. M. Dutta.
20. Babu Brojendra Nath Ghosh.
21. Babu Tarini Charan Bose.
22. Babu Bhupati Mohan Basu.
23. Babu Sudhendra Nath Bhattacherjee.
24. Babu Makhan Lal Mukherjee.
25. Babu Rasik Chandra Bose.
26. Babu Jitendra Nath Roy.

27. Babu Ganga Charan Bhattacherjee.
28. Babu Usha Ranjan Rudra.
29. Babu Durgesh Chandra Pakrasi.
30. Babu D. M. Banerjee.
31. Amal Chandra Bose.
32. D. J. Blomfield, Esq.
33. T. J. A. Craig, Esq.
34. Abdul Fazal.
35. Babu Birendra Mohan Ghosh.
36. Khan Bahadur Maulvi Mahamad Musa.
37. Khan Bahadur Maulvi Abdul Salam.
38. Babu Sarat Sasi Dutta.
39. Khan Bahadur Maulvi Naziruddin Ahmed.
40. Dr. Ahmed Ali.
41. Mr. Khaje Salim Ulla.
42. Ahammad Ali.
43. Mr. Chowdhury Farid Uddin Ahmed Siddique.
44. Jatish Chandra Sil.
45. Jagadish Chandra Basu.
46. Babu Dwijendra Kumar Dutta.
47. Ranjit Lal Basu.
48. Hari Das Sil.
49. K. Abdul Karim.
50. Kshirode Chandra Sil.
51. Babu Mon Mohan Ghosh.
52. Mahammad Nabi Baker Sa.
53. Sudhendra Nath Adhya.
54. Babu Arunendra Nath Das.
55. Babu Gopendra Krishna Dey.
56. Babu Padmini Bhusan Rudra.
57. Abdul Sattar Bepari.
58. Rai Sahib Banga Chandra Chowdhury.
59. Babu Satyendra Nath Boral.
60. Syed Mahammad Ali.
61. Atri Kumar Nag.

STATEMENT II.

Statement showing the names of persons to whom licences for revolvers have been granted in May, June and July, 1930, in the city of Dacca.

1. L. K. Nixon, Esq.
2. Charles St. Leger Weldon, Lieut.
3. G. L. Dowbiggin, Esq.
4. J. F. D'Cruze, Esq.
5. A. H. Clayton, Esq.
6. P. J. Griffith, Esq.
7. J. P. Simpson, Esq.
8. Babu Aboni Mohan, Rai Sahib.
9. Syed Abdul Salim.
10. S. Ch. Ghosh, Esq.
11. P. T. Andrews, Esq.
12. E. W. Holland, Esq.
13. L. C. Grant, Esq.
14. Syed A. A. Fazlur Rahim.
15. Mr. A. K. G. Safdar.
16. Syed Sahabe Alam.
17. Babu Apurba Ranjan Barua.
18. Babu J. C. Banerjee.
19. Babu P. M. Das Gupta.
20. Babu P. L. Adhikari.
21. Babu Charu Chandra Roy.
22. Muhamad Siddique.
23. Altafuddin Khan.
24. Khaje Mahamad Moazzam.
25. A. R. Shahjahan.
26. Babu Satyendra Kumar Das.
27. Babu Satyendra Kumar Sen.
28. Babu Charu Chandra Sinha.
29. J. W. R. Steven, Esq.
30. A. C. Baxter, Esq.
31. Babu Jitendra Nath Roy.
32. Babu Birendra Nath Roy.
33. V. Y. Stepphen, Esq.

34. Mr. Abdul Goni.
35. Dr. Mahamad Maizuddin Khan.
36. S. Marry Lactetea St. Michaeli.
37. Alex. Jacab's, Esq.
38. Maulvi Dalil Uddin Ahamed.
39. Mrs. C. B. Seagrim.
40. F. J. Gossip, Esq.
41. Lieut.-Colonel T. L. Bomford.
42. Khan Bahadur Naziruddin Ahmed.
43. Md. Habibur Rahaman.
44. Miss N. Biswas.
45. Babu Harendra Kumar Ghosh.
46. Babu Anukul Chandra Seal.
47. F. Noble, Esq.

STATEMENT III.

Statement showing the names of persons to whom licences for pistols have been granted in May, June and July, 1930, in the city of Dacca.

1. Charles St. Leger Weldon, Lieut.
2. P. J. Griffith, Esq.
3. P. J. Griffith, Esq.
4. Nawabzada Khwaja Nassar Ullah.
5. Nawabzada Khwaja Hafiz Ullah.
6. Nawabzada Khwaja Alim Ullah.
7. D. J. Blomfield, Esq.
8. Lieut.-Colonel T. L. Bomford.
9. Miss P. D. L. Kelly.
10. Mr. J. W. Atkins.
11. Miss E. M. Atkins.
12. S. A. Garson, Esq.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state the number of firm-arms—guns and revolvers—given to the people of Dacca before the riotous occurrences?

The Hon'ble Mr. W. D. R. PRENTICE: I gave some figures in answer to starred question No. 98.

Civil guards and special constables during the riot at Dacca.

128. Babu SATYENDRA KUMAR DAS: (*a*) Is the Hon'ble Member in charge of the Police Department aware that civil guards and special constables were appointed during the recent disturbances at Dacca?

(*b*) How many of them were from—

(*i*) Hindus,

(*ii*) Muhammadans,

(*iii*) Armenians, and

(*iv*) Anglo-Indians?

(*c*) How many of them did actually join their duties from each of the said communities?

(*d*) Were any civil guards or special constables engaged in connection with the disturbances at Dacca in January, 1930?

(*e*) If so, what was their number from the said different communities?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) (*i*) Ten.

(*ii*) Thirty-four.

(*iii*) One.

(*iv*) Nil.

(*c*) All volunteered for service, and no offers were refused.

(*d*) Yes.

(*e*) The figures are not available

Settlement of khas mahal lands in Bakarganj.

129. Maulvi MUHAMMAD HOSSAIN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state the principle underlying the settlement of khas mahal lands in the district of Bakarganj?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the quantity of khas mahal lands settled in the district of Bakarganj since 1920;

(*ii*) the area settled with the agriculturists who were diluviated tenants or who actually cultivate the land with their own hands; and

(*iii*) the area settled with the non-agriculturist bhadralok class who are either Government officers or title-holders?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The principle underlying the settlement of khas mahal lands in Bakarganj is raiyatwari settlement.

(*b*) (*i*) 41,351 acres.

(*ii*) 36,004 acres.

(*iii*) 5,347 acres have been settled with bhadralok of different communities and members of the Char Fassoon Co-operative House Building Society. There are five title-holders in the list of tenants, but no separate figures in respect of Government servants are readily available.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state the nature in which these raiyats are utilising the land leased out to them? Are they cultivating it themselves or have they given the land out on leases?

The Hon'ble Sir PROVASH CHUNDER MITTER: From information which reached Government, I am aware that they are cultivating the land themselves. So far as I am aware the Board's orders are that land should only be given to those who are willing to cultivate it themselves and not to those who take land for the purpose of leasing out to others. If the hon'ble member wants more accurate information, I would advise him to write to the department.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state if Government ever made it known to the public that lands for cultivation were available to the middle class unemployed bhadralok people?

The Hon'ble Sir PROVASH CHUNDER MITTER: So far as I remember in 1919, at the instance of the Government of India, it was made public; and so far as I remember, later on the Board of Revenue either issued a communiqué or made that public in some other way about two or three years ago.

Mr. P. N. GUHA: Is the Hon'ble Member aware that about two or three years ago there was a rush of unemployed young men in Bakarganj willing to take lease of those lands but they were refused and lands were settled with Government servants and title-holders?

The Hon'ble Sir PROVASH CHUNDER MITTER: I may inform the hon'ble member that there were four or five title-holders and Government servants. So far as I am aware, there was a good deal of rush of people but when the condition was insisted on that the bhadrolok must reside and cultivate the land themselves, most of them came away.

Special constables during the Dacca riot.

130. Mr. ANANDA MOHAN PODDAR: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether any special constables were appointed during the communal riots at Dacca in January, 1930?

(*b*) How many were appointed at that time?

(*c*) What was the number of—

(*1*) Hindus,

(*2*) Muhammadans,

(*3*) Europeans, and

(*4*) Armenians

amongst them?

(*d*) Is it a fact that several special constables were enlisted from among the members of the Dacca Bar as well as from among the students of the University of Dacca in January, 1930?

(*e*) Was any pleader or University student appointed as special constable during the last riots?

(*f*) Is it a fact that one Muhammad Siddique of Kaltabazar, a dismissed railway servant, was appointed as a special constable?

(*g*) Was there any special reason to appoint him?

(*h*) Is it a fact that the said Muhammad Siddique has been granted a revolver licence after the riots?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) and (*c*) Figures are not available.

(*d*) Yes.

(*e*) No. None volunteered.

(*f*) Yes. Government are not aware whether he is a dismissed railway servant.

(*g*) No, save that he volunteered to serve.

(*h*) Yes.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state the number of special constables recruited during the riots of January, 1930?

The Hon'ble Mr. W. D. R. PRENTICE: I have said already in answer to question No. 128 (*e*) that the figures are not available.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether any member of the Dacca Bar Association was recruited as a special constable during the riots of January, 1930?

The Hon'ble Mr. W. D. R. PRENTICE: The answer to that is "yes," if you read answer (*d*).

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state why no member of the Dacca Bar Association and the University was recruited in connection with the last riot?

The Hon'ble Mr. W. D. R. PRENTICE: If you read answer (*e*), you will see that none volunteered.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether any attempt was made to recruit special constables from the members of the Dacca Bar Association and University?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say. Anybody who volunteered was recruited. I do not know whether any volunteers were looked for from the Bar Association or the University.

Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member be pleased to state whether it is a custom with the authorities to call the civil guards to duty or the civil guards themselves to volunteer their services?

The Hon'ble Mr. W. D. R. PRENTICE: It depends upon time and circumstances.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether any inquiry was made as to the status of special constables before appointments were made?

The Hon'ble Mr. W. D. R. PRENTICE: I imagine that the conditions in Dacca were such that any help that was offered was taken.

Mr. ANANDA MOHAN PODDAR: In view of the conditions then prevailing in Dacca, will the Hon'ble Member be pleased to state whether it was not necessary to inquire into the antecedents of those who offered themselves as volunteers?

The Hon'ble Mr. W. D. R. PRENTICE: That is a matter of opinion.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether the grant of a licence for revolver to one Muhammad Siddique, a dismissed railway servant, was justified?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate is the person responsible for issuing a licence and he has to decide it.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state why there was so much keenness on the part of Muhammadans to become special constables?

NON-OFFICIAL MEMBERS' BUSINESS.

Resolutions on matters of general public interest.

Process servers.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that this Council recommends to the Government that a committee composed of officials and non-officials be formed to inquire into the conditions of employment of the staff of the Process-serving Establishment in Bengal and to recommend necessary improvements.

Sir, the miserable lot of the Process-serving Establishment in Bengal has been brought to the notice of the authorities through various channels from time to time. And once before by means of a resolution in this Council. But their persistent appeals have been met with equally persistent refusal. It cannot be denied that the process-servers form an important limb of the administration of justice. Unless their

part of the work is properly and honestly discharged, justice is impossible to be done between party and party. I should say their work is the very foundation upon which the administration of justice rests.

Their grievances briefly put are—

(1) the inadequacy of their pay;

(2) the absence of any chance of promotion and prospect in service;

(3) a miserable pittance which is given the dignified name of pension; and

(4) absence of any leave allowance and travelling allowance.

Sir, they have to carry out their onerous duties in the face of the greatest possible hardships and difficulties. Those who are acquainted with the conditions in some of the districts cannot fail to appreciate the difficulties and the dangers and risks which the process-servers have to face while going out on their duties. I would only mention in passing the names of some of the process-servers who met with death due to accidents with snake-bites, drowning or storms, namely: (*1*) Mohammed Bajanali; (*2*) Prakash Chandra Paul; (*3*) Manmohan Dey; (*4*) Durga Charan Dey; (*5*) Satish Chandra Paramanick and others. All belonging to Mymensingh staff. These are recent instances.

Then take another class of risks to which they are subjected. These public servants have got to deal mostly with the illiterate people in the mufassal. When they attach the cattle or destrain the crops, which act of theirs affects the bread of the whole family, unlike the case of an arrest by a constable which affects only individuals and that only temporarily, one can easily imagine that the whole family and in some cases the whole village turn upon the poor process-server who not unoften saves his life by taking to heels, nor are instances rare when they have been savagely done to death by a furious mob.

Then, they fare no better when they come before the court after finishing their unpleasant and risky duties. They have got to serve processes for which in 99 per cent. of cases no acknowledgment is given either through illiteracy or design and then arises a contest of service or no service in which the court has to weigh in the scale the solitary testimony of the process-server on the one hand and the lot of villagers on the other. The result practically is an ex-parte judgment against the process-server, in some cases resulting in the dismissal of the process-server.

Having regard to all these and many other risks which I might mention are the conditions of service such as to attract desirable persons and as to make life tolerable for those who are unfortunately in it already? Take the case of police constables. They have an eight-hours duty. They get Rs. 24 to Rs. 32, plus allowances plus all the

prestige which the red turban gives them. There is no reason why the process-servers should not get double as much. I may note that in Bombay they get Rs. 20 to Rs. 50. What is the special reason why those in Bengal should be worse than their brethren in Bombay? I would here note the remarks of the Civil Justice Committee on this point which considered among other matters the question of pay of Bengal process-servers. They reported:

"But whatever be the nature of the supervision exercised over the work of the process-servers, it seems to us to be impossible to expect honest and intelligent work from the class of men whom it is possible to recruit to the process-serving establishment on the scale of pay and prospects at present in force. In Bengal the scale of process-servers' pay is fixed in some districts at Rs. 18 rising to Rs. 22 and in other districts at Rs. 16 rising to Rs. 20. This scale of remuneration which is less than that of a cooly or a domestic servant hardly affords a living wage to the process-serving staff. It is no wonder that they frequently succumb to temptation. It is only in Bombay that the gravity of the situation has been realised and that a scale of remuneration has recently been sanctioned, commensurate with their duties and responsibilities. The scale of pay in Bombay ranges from Rs. 20 to Rs. 40 for the inferior class of process-servers with an efficiency bar at Rs. 40 and Rs. 50 for the superior class of process-servers."

Then consider the dole, namely, Rs. 4, which is meted out to them as pension. I believe, I need not say anything to prove how ridiculous the sum is especially when it is earned after 30 years of loyal service. What, Sir, is the average cost of living of a family of the class to which the process-servers belong? Taken from the best authority the cost of living for one man is about Rs 18. Are the process-servers expected to be bachelors and to have no family? If not, how are they to eat out? Is this condition of service not a direct encouragement to the adoption of questionable means when honesty is the first and last requisite to keep the fountain of Justice undefiled? If we take the leave rules and the leave allowances we are driven to say that they—the process-servers—are the really "depressed class" in the circle of Government servants.

When we ask for the improvement of their pay and prospects we do not suddenly trench upon the resources of the Government unnecessarily and unjustifiably for the figures of 1922, which are the only figures available, for be it noted, inspite of the best efforts of some of the councillors, no information of later date could be elicited from the Government, show that out of an income of twenty lakhs as process fees, only thirteen lakhs were spent on the process-serving establishment and these further included the pay of the ministerial staff of the nizarat. Now *what right have the Government to swallow* these seven lakhs or perhaps more by now, making the Administration of Justice suffer?

These, Sir, are matters which require to be gone into by a Committee of this House. It is a moderate demand to make. If it is opposed by the Government that will lead to the irresistible conclusion that the Government do not care for the fate of any other service than that of the police service. The purity of the Administration of Justice would be the first consideration with any civilised Government, and hence I hope the Hon'ble Member-in-charge will accept and give effect to this motion.

3-30 p.m.

Maulvi ABDUL HAKIM: In support of this resolution I want to say a few words about the miserable condition of the wretched process-servers. There are more than 6,000 process-servers in civil and criminal courts in Bengal and though they work in the department of justice, yet they receive very little justice from the hands of their employers. These process-servers are all literate persons and although many educated gentlemen have been employed in the process-serving department, the treatment meted out to them by their employers, i.e., the nazirs and the naib nazirs, are no better than the treatments shown to the transporters walking in the public streets or the menial servants engaged in our household works. They are in fact treated as a depressed class in the circle of Government servants. The dignity of labour has not yet been impartially recognised in our country.

The gradation of professional respectability has been based on the theory "more hard is the toil, less the respect it commands." The average pay of these process-servers, as I know, is Rs. 18 and it ends in Rs. 22, but the responsibility of these process-servers is no less than that of the postal peon whose pay begins, as I know, from Rs. 30 and ends in Rs. 50.

The insignificant amount which they receive as their remuneration is not sufficient for their own maintenance not to speak of their own family in these hard days when the price of food and other articles necessary for life has run very high. In this connection I may also add, if I am excused, that the pay of an illiterate cook or a motor driver engaged by a high official is much more than that of an educated process-server of our country. The leave rules for these process-servers are very iniquitous; all the Government servants get leave on full pay but these unfortunate people are allowed only half pay during their leave. They are given no travelling allowance when they go to very distant villages for serving processes. The pension rules relating to the retirement of these process-servers are based on a most unreasonable idea. In contravention of the general rules of pensions for Government officers, a process-server gets only Rs. 4 as pension and it is neither half nor one-third of their pay per mensem. It is most

surprising to know that even a process-server who has got to do some office work, such as writing of returns, etc., is not allowed any proper seat in the office and some members of this Council, such as those who were district officers before, cannot but bear testimony to this matter. In my district the process-servers write their returns, etc., in the verandah where they are given a pati and very often a torn pati, as their seats. It is a very pitiable matter that a process-server is in his turn directed to do the most undesirable duty of a watchman in the nizarat or in any other place after his return from mufassal works as a process-server. Nothing can be more shocking to our feelings than the fact that even after office time, a process-server is compelled to do many household works both day and night by their employers according to their own sweet will, without any remuneration whatsoever, and these works are so low in their nature that their own menial servants often refuse to perform them. I therefore do appeal to all the hon'ble members of this House with all the sincerity that I can command, to support this resolution for the sake of humanity and for the sake of official justice so that after an inquiry these process-servers may get their grievances redressed by Government authority as soon as possible.

Maulvi HASSAN ALI: Mr. President, Sir, the conditions of process-servers in Bengal are very deplorable. Process-serving staff forms the lowest and nevertheless a very important link in the grand machinery for the administration of justice. It is nothing but unfortunate therefore that this lowest link should be weak and rotten and be neglected by the Government. Their pay is as low as Rs. 16 a month and their grade is between Rs. 16 and Rs. 20 a month with an average of Rs. 18, not even a rupee a day, which is absolutely essential for the bare existence of a single soul without wife and children, considering the standard of living these men are accustomed to live or should live. In all the civilised countries of the earth wages are determined in accordance with the costs of living, with reference to the results of periodical inquiries made regarding the costs of necessaries of life, housing, education of children and other human comforts. But in a subject country like ours everything is otherwise. Here an employee is treated as a piece of merchandise, i.e., to say it should be paid its market value. Thus we are shocked to find that a process-server earns much less than an ordinary cooly.

Sir, sometime back the Civil Justice Committee, which considered among other matters the question of pay of Bengal process-servers, reported: "But whatever be the nature of the supervision exercised over the work of the process-servers, it seems to us to be impossible to expect honest and intelligent work from the class of men whom it is

possible to recruit to the process-serving establishment on the scale of pay and prospects at present in force. In Bengal the scale of pay of process-servers is fixed in some districts at Rs. 18 rising to Rs. 22 and in other districts at Rs. 16 rising to Rs. 20. This scale of remuneration, which is less than that of a cooly or a domestic servant, hardly affords a living wage to the process-serving staff. It is no wonder that they frequently succumb to temptation. It is only in Bombay that the gravity of the situation has been realised and that a scale of remuneration has recently been sanctioned commensurate with their duties and responsibilities. The scale of pay in Bombay ranges from Rs. 20 to Rs. 40 for the inferior class of process-servers with an efficiency bar at Rs. 40 and Rs. 50 for the superior class of process-servers."

Thus, Sir, in Bengal the six thousand Government servants employed in the administration of justice have rightly been called "depressed class" among the Government servants. A postal peon with a less responsible duty than a court peon gets Rs. 30 to Rs. 50 a month when the latter gets only Rs. 16 to Rs. 22. A process-server after a faithful service for long 30 years draws a pension of Rs. 4 only—surely this is a most preposterous idea having no connection whatsoever with the general principles of pension for Government servants. The leave rules for process-servers is also most inequitable. They are paid no travelling allowance. Not only these, Sir. The process-servers' status is humiliating. They are subjected to various iniquities and ill-treatments. They are not supplied with any seats nor any writing materials to do office work. Besides that they are used as parawallas. They are used also a bazar bearers by the bara baboos of the sherista.

To our knowledge this sort of low status of these men has caused many evils in the Department of Justice itself hampering the ends of justice in various ways. I, therefore, in these circumstances urge upon the Government that it is high time for making inquiry into the various grievances of these responsible employees of the Government.

Maulvi SYED MAJID BAKSH: Turning from the high pedestal of debate in this House where we sometimes indulge in speeches that sings heroes and their exploits, I may be permitted to refer to the poor pay and prospects of the process-servers who are humble though very responsible officers of Government. We have listened to-day to several speakers who have given figures which prove beyond doubt that these process-servers are really suffering great injustice. We who live in the districts know the difficulties under which the process-servers labour. It is really a fact that undue advantage is taken of the process-servers by their superior officers. Even munsifs and sub-judges who dispense justice forget all sense of justice when they deal with these men. They

take service out of them without paying anything. These process-servers by virtue of their office are not menials. I know of persons occupying these posts who are sons of gentlemen and it is a misfortune that these sons of gentlemen are given work by their superiors which they do not often give to their menial servants. They are made to do even such work as wood-chopping.

3-45 p.m.

These process-servers do very responsible work. They go out into the country with the summonses of the court and it does lie in their power to do incalculable mischief to the persons concerned. Therefore, unless a sense of responsibility is aroused in them things as bad as at present will continue to happen. They can put people to difficulties, as many of us know, by a dereliction of their duties; so that by granting them good pay and infusing in them a sense of responsibility we can encourage them to discharge their duties properly. In answer to my question, the Hon'ble Member in charge of Civil Justice admitted that services of process-servers are being utilised in contravention of the rules. I do not know whether it is known to my friends here that there is a practice in vogue in the civil courts which ought to be dispensed with as soon as possible. It is this that some of the persons who apply for the post of process-servers are asked to attend the court without being actually employed as such. They get no pay for their work. On the contrary, they have got to pay their own expenses of boarding and lodging in a town where it is rather difficult for them to find out some sort of living. When they are attending the courts, they are kept waiting there and I know of cases in which they kept waiting for months together before any temporary vacancy occurs, and if the temporary vacancy is for 15 days, they are paid for those days only. When a large number of summonses accumulate they are employed to serve those summonses. So after waiting for two months if a man is employed for 15 days only, corruption is sure to be rampant. How can there be no corruption under those circumstances? It is the action of Government which compels them to resort to that practice. If they are given an honourable position with fair pay, I think, these corruptions will disappear. Dereliction of duty on their part involves others in very great difficulties. Considering these matters and considering the very important duties they have to perform, I submit that Government will agree with me to compose a committee of officials and non-officials to inquire into the conditions of service of these process-servers.

Babu KHETTER MOHAN RAY: Sir, the lot of the process-servers is a very hard one. If the Government wants to see that corruption should be removed from the process-serving department, then their

conditions of service should be improved. Unless their conditions are improved, we cannot expect any reformation in the process-serving department. As you all know, Sir, they are very ill paid and they do not get any travelling allowance. When they go to mufassal in order to execute their duties, they have to live on the charity of the people, and specially of the litigants. In order to improve their lot, there ought to be a committee composed of officials and non-officials to inquire into the conditions of their service. If you want to attract the bhadralok class with some education, then the conditions of their employment must be improved. I support the resolution.

Babu SUK LAL NAG: Sir, there are about 6,000 process-servers employed by the Government in the civil and criminal courts of Bengal. Their remuneration for the work is only Rs. 18 per month on an average. The pension rules for process-servers on retirement after completion of 30 years faithful service are based on a most preposterous idea. It has no connection with the general rules of pension for other Government servants. It is only Rs. 4, neither half nor one-third of their pay. There are other grievances which I do not propose to mix up with this question. With these remarks, I support the resolution.

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid that although I am in sympathy with the desire of the process-serving establishment for an increase of pay, I cannot accept this resolution, because the conditions in Bengal are at present such that no proposals involving Government in an increase of expenditure can possibly meet with the approval of Government. Further to appoint a committee to investigate the grievances of the process-servers will be very inappropriate at the present time. For the conditions under which they serve are not yet stable. It is not very long since the High Court issued new rules concerning the service of processes, also on the revenue side there are the extension of the union board system, and the increase of service of revenue processes through union boards to be considered. It is not, therefore, easy to calculate at present what should be an adequate staff for the service of processes. At present one of our difficulties is that the staff of process-servers is considerably in excess of requirements. Complaints have been made by certain members of the House that the process-servers at headquarters are expected to do certain duties. I am not now referring to the private service, which according to some members, some of the official superiors of the process-servers require from them. This demand is unjustified on their part. But leaving that question aside, we find that the number of days in a month on which the process-servers are employed on this work of serving processes is 12 in some districts, and the average number of days in the province is about 15. Government pays its servants for a full

month's work and it is perfectly obvious that the average number of working days of these process-servers being only 15, the staff of process-servers is in excess of requirement. Therefore, any scheme for the improvement of their prospects must mean a considerable reduction in their number, and I am not certain that any such reduction will be favourably looked upon either by the mover or by the supporters of this motion.

My own view is that a part of this agitation is due to the fact that economic stress is driving a class of people to take to this class of service which was never thought of when the scale of pay was fixed. It is said that they are lowly paid, but as one of the speakers has pointed out it is only in Bombay that the pay is higher, and there the process-servers are recruited by examination and the system is different. If any such system is introduced in Bengal, it may affect very considerably some of the existing process-servers, and will certainly affect the class of recruitment in future.

But apart from the fact that the time is inopportune for an inquiry, the resolution must be opposed because of the present financial state of the province. One speaker has pointed out that the Civil Justice Committee was in favour of an increase of pay. But there are other recommendations by other authoritative bodies which have had to be held up for want of funds, and when the money is available, it will be for Government to exercise their discretion in selecting from the pending schemes which are held up for want of funds, the schemes that are to be financed. If there are 6,000 peons, as has been pointed out by one of the speakers, and if you increase their pay by one rupee a month, that amounts to an increase in recurring expenditure of Rs. 72,000 per annum. How is it possible for this Council now to contemplate an additional recurring expenditure of such a sum? I know of cases of increase of pay sanctioned several years ago, and the money for these schemes has not yet been found. It would be entirely wrong to set up a committee to consider an improvement in the pay and prospects of the process-servers, when so far as one can see money for the purpose will not be available for a long time to come. Then as regards the complaint about the smallness of their pensions, these process-servers are not a class by themselves. They belong to a large class of Government servants to whom certain general rules apply. One of those rules, of which mention has been made by one of the speakers, limits their pension to the small sum of Rs. 4 a month. This question attracted the attention of Government sometime ago and was taken up and examined, and it was decided that as soon as funds permitted the question of revising this rule would be taken up. Meanwhile the improvement in the rule is held up for want of funds not only for process-servers but also for the large class of Government servants to which they belong.

I regret, Sir, that although as I have said I am in sympathy with these people in their desire for increased pay, conditions of Bengal are such that I must oppose this resolution.

The resolution of Babu Satish Chandra Ray Chowdhury was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Basu, Babu Jatindra Nath.
Bose, Mr. S. M.
Chaudhuri, Dr. Jagendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nurul Absar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Kamini Kumer.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Heque, Kazi Emdadul.
Hassain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Azizul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamapresad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mahan.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Haribansa.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshay Kumar.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sircar, Dr. Sir Nilratan.
Solaiman, Maulvi Muhammad.

NOES.

Basir Uddin, Maulvi Mohammed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Easeen, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gupta, Mr. J. N.
Gurner, Mr. C. W.
Haider, Mr. S. K.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Law, Mr. Surendra Nath.
Luka, Mr. N. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mittar, the Hon'ble Sir Provash Chundar.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. C.
Prentice, the Hon'ble Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Ray, Mr. Bijay Prasad Singh.
Ray, Mr. Saileswar Singh.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. D.
Stevens, Mr. H. S. E.
Sumner, Mr. C. R.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 47 and the Noes 42, the motion was carried.

Calcutta and Dacca Telephone.

Rai Bahadur KESHAB CHANDRA BANARJI: Sir, I beg to move that this Council recommends to the Government that early effect be given to the scheme of establishing telephonic communication between Calcutta and Dacca.

Sir, my resolution is a very simple one. It relates to a matter in which Government and the mercantile community of Eastern Bengal and Calcutta are primarily interested. At present there is no telephonic communication between Calcutta and Dacca, the second city of the province, the telegraph system being the only means of quick transmission of urgent commercial as well as State intelligence. It is well known that the districts of Dacca and Mymensingh are the most important centres of jute trade. To facilitate trade and commerce, it is essential that Eastern Bengal should be linked up with Calcutta by a complete system of telephone service, which is also necessary from the Government point of view.

Sir, we in Dacca feel badly the need for telephonic communication with Calcutta. During the last Dacca riots, the local authorities were unable to cope with the situation on the plea of insufficiency of police force. Whatever the cause, the fact remains that if there had been some speedier method of carrying on communication with the heads of administration in Calcutta, it would have been of great help to them to understand the real situation and instruct the local officers accordingly. The scheme of connecting Dacca with Calcutta by means of telephone has been before Government for nearly 15 years. When during the War the proposal was first mooted, the scheme could not be proceeded with on account of the high price of materials and the difficulty in obtaining supplies. Since then, we are not aware as to what advance has been made in this direction.

Sir, I hope I shall have the support of the members representing the Bengal Chamber of Commerce and other Indian business concerns in this matter, as it is they who will be primarily benefited by the scheme. It will be of immense help to the various jute firms of Dacca and Mymensingh in carrying on business on a more expensive scale. When the scheme is completed, it will be possible to extend the service to Mymensingh and to the important business centres in the interior of these two districts. With this scheme are connected many small projects of great public utility, and I am of opinion that if a trunk line is opened, as suggested, it will pay its way and will be utilized to the fullest advantage.

Sir, with these few words, I commend my resolution to the acceptance of the House.

Mr. ANANDA MOHAN PODDAR: Mr. President, Sir, I rise to support the resolution of my hon'ble friend Rai Bahadur K. C. Banarji. I fully associate myself with what he has said about the necessity of installation of a system of telephone service between Calcutta and Dacca. This scheme, I understand, is a part of the big scheme which aims at connecting Rangoon with Calcutta, Chittagong and Dacca.

Sir, as one representing the mercantile community on this Council, I accord my whole-hearted support to the project and I hope the Hon'ble Member in charge of the department concerned will consider the matter sympathetically with a view to its early completion. I have no doubt that it will prove useful not only to the Government but also to businessmen, particularly the jute merchants and others who I dare say will avail themselves of the fullest advantage afforded by the service. There are important trade centres in the districts of Dacca and Mymensingh, such as Narayanganj, Kishoreganj, Bhairab and others, which I trust will have a chance of developing in course of time if the proposed scheme is carried into effect.

Babu SATYENDRA KUMAR DAS: Sir, I rise to support the resolution which has been moved by my friend Rai Bahadur Keshab Chandra Banarji. I would submit that if this scheme were given effect to, it would not only be useful from the political point of view, but it would also prove a boon to the merchants of Calcutta and Eastern Bengal.

With these few words, Sir, I commend the resolution to the acceptance of this House.

The Hon'ble Mr. A. MARR: Sir, I think that if I explain the present position in regard to this question, the mover and other members of this House, who have spoken on this resolution, will be quite satisfied. As the mover has said, this proposal to have telephonic communication between Dacca and Calcutta has been under discussion for several years. The difficulty at first was as regards available supply of materials. Later, the difficulty has been one of guarantee. Now, Sir, I am able to say from the latest communication which we have received from the Posts and Telegraphs Department that they are now considering the question of having a through telephonic line —a trunk line—between Calcutta and Rangoon. It would go via Dacca and Chittagong to Rangoon. They are considering this matter very carefully, and it looks very much as if the proposal would go through. If that happens, I think that this would satisfy every member of this House.

There is also the question of a further extension, that is to say, an extension from Dacca to Mymensingh.

4-15 p.m.

We have considered that proposal for some time and we have raised this point in connection with the proposed trunk line. The Posts and Telegraphs Department will not commit themselves on that question, but what they say is that, if and when, the trunk line is completed to Rangoon, they will then take up the question of the Dacca-Mymensingh connection: they may not ask for a guarantee, but that will depend on the number of connections that are applied for. As far as the trunk line is concerned, I can assure the House that at the present moment it looks very probable that the proposal will go through.

Rai Bahadur KESHAB CHANDRA BANARJI: Sir, in view of the assurance given by the Hon'ble Member-in-charge, I beg leave of the House to withdraw the motion.

The motion of Rai Bahadur Keshab Chandra Banarji was then, by leave of the Council, withdrawn.

[At 4-18 p.m., the Council was adjourned for prayer and it reassembled at 4-30 p.m.]

Mr. PRESIDENT: Resolution standing in the name of Babu Suk Lal Nag does not arise, as the decision on the resolution of Babu Satish Chandra Ray Chowdhury governs it. Resolution standing in the name of Maulvi Muhammad Hossain does not arise also as it is covered by a previous decision on the resolution of Babu Hem Chandra Roy Choudhuri.

The following motions were not therefore taken up:—

Babu SUK LAL NAG: "This Council recommends to the Government that a Committee composed of officials and non-officials be formed to inquire into the conditions of employment of the staff of the Process-serving Establishment in Bengal and to recommend necessary improvements."

Maulvi MUHAMMAD HOSSAIN: "This Council recommends to the Government to take immediate steps to introduce a Bill to amend the Patni Sale Law of Bengal (Bengal Regulation VIII of 1819) principally under the following heads:—

(*i*) to provide for setting aside the sale in consonance with the principles enunciated in section 174 of the Bengal Tenancy Act (Act VIII of 1885) and order 21, rule 89 of the first schedule to the Civil Procedure Code (Act V of 1908) and section 22 of the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913);

(*ii*) to provide for separation of shares of Patni Taluqs held in common by opening of separate accounts in accordance with the principles of Revenue Sale Law (Act XI of 1859); and

(*iii*) to make other incidental changes."

Establishment of full responsible Government in the provinces.

Rai Bahadur KAMINI KUMAR DAS: Sir, the resolution that stands in my name is already known to the hon'ble members of the House. I beg to move this resolution:

"This Council recommends to the Government to communicate to His Majesty's Government in England, through the Government of India, that in the opinion of this Council full responsible Government in the provinces as well as in the Central Government should be established without delay, so that India may be placed in the same status as the self-governing dominions of the British Commonwealth."

Although the subject-matter of my resolution has been a much discussed topic, I hope and trust we should have a clear perspective of the political goal we aim at. The vicissitudes of circumstances following upon the publication of the Simon Report, the Viceregal announcement regarding the Round Table Conference as well as the country-wide civil disobedience movement make it peremptory upon His Majesty's Government to steer cleverly in the troubled waters of politics and to strike out the lines of solution of the riddle of the Indian situation.

It is too well-known to the Government of India that nothing but substantial freedom would satisfy the political India to-day. The responsible Government, the subject of my resolution, is well-nigh tantamount to this asking for freedom, and I beg to recommend this to His Majesty's Government through this Council.

Now, what do I mean by "responsible Government"? In the opinion of political philosophers and practical politicians, it is a Government in which the executive is responsible to and removable by the legislature which, again, is responsible to and removable by the constituencies. As understood in India, responsible Government aims at Dominion status; but the two terms are not synonymous. The goal of the British policy in India, as set forth in the declaration of August, 1917, was the gradual development of self-governing institutions with a view to progressive realisation of responsible Government in India as an integral part of the British Empire. This objective of responsible Government is not what "Dominion status" means. The latter is a category unknown to political science or to constitutional law. Sir Malcolm Hailey among others referred to the distinct natures of the two, although he admitted later on that full dominion self-government was the logical outcome of and the inevitable and historical development of responsible Government. This quibble over responsible Government, whether it is the same as Dominion status as the Nationalist opinion says or not as the Hailey group urges, has, however, been set at rest by the joint declarations of Lord Irwin and Mr. Benn in 1929 and 1930, which

authoritatively stated that the "Natural issue of India's constitutional progress is the attainment of Dominion status."

The principle of Dominion status or Dominion self-government was established by the Balfour resolution in the Imperial Conference of 1926, which made the Dominion "autonomous communities within the British Empire equal in status and in no way subordinate to one another in any aspect of their domestic or external affairs though united by common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations." Thus every Dominion is now a self-governing member of the Empire and the master of its own destiny; there can now be no question of superior or inferior status between the Mother country and the Dominions. Even the Governors-General of Dominions represent the King as Sovereign but not the British Government nor any British Department of State. The Dominion status, therefore, stands for a new type of political organisation which "combines the possession of Sovereign powers without sovereignty as an abstract juristic concept."

And our demand to-day is responsible Government as obtains in the Dominions with temporary safeguards for defence and foreign affairs. There is nothing novel or unusual in our aspirations. Democracy has come to stay in the present-day world, and responsible Government is its principle concomitant. We want India to be one of "the elements in the great unity" which does not depend upon Imperial control, but does depend upon common beliefs and common ideals with the other Dominions.

Now, let us take a stock of the situation as it stands to-day. The "Montagu-Chelmsford Reforms" have given responsibility only in provincial Governments but that too to a limited degree, while the Central Government totally lacks in it. The representative Assembly in the Central Government with the considerable means of influencing the views of the Government has got no responsibility whatsoever which negatives the representative character itself, for without responsibility representation cannot thrive with meaning. It is a pity that this anomalous situation has been made still worse by the Simon Report inasmuch as it has merely gone back to Pre-Montford Reform Government. This makes the Central Government as autocratic as ever and introduces only a fragment of responsibility in the provinces; and with various other drawbacks, this has totally disappointed and disillusioned the political India. Even the defined goal of British policy as announced by the Viceroy and the Secretary of State is a prohibited word with the recommendations of the Royal Commission. In the words of the Right Hon'ble Srinivasa Sastri, "The Simon Report threatens to raise a wall of misunderstanding between the friends of Britain in India and friends of India in Britain. To admit that Dominion status or full responsible Government is the

goal and yet to hesitate because the future is obscure and the line of march not clear, is very much like contracting a debt and evading payment. Indians remember a long story of disappointments and deferred hopes. Every concession has come in the past after being long overdue, and the event has abundantly vindicated itself."

Be that as it may, in spite of the halting nature of the findings, we have the gracious declaration of His Majesty the King who, having "watched with an anxious heart the troublous passage of events" in India, has appealed for "wider sympathy between the people of India and Great Britain"; and this has been followed by the Viceregal reiteration of the October (1929) announcement regarding Dominion status and Round Table Conference which would be as widely representative in character as possible. So I would recommend that a sound constitution for India should be hammered out on the anvil of the Conference, the corner stone of it being the full responsible Government in the central and provincial spheres.

Although constitution making is a fascinating pursuit I do not intend to take the time of the House by dwelling upon the details of the framework of constitution which is sure to be wisely handled by the master minds of India and Britain participating in the Round Table Conference. But what I propose is that India should be granted full responsible Government for both provincial and national spheres to raise her to the status of the Dominions like Canada, Australia and South Africa.

Sir, India is impatient of gradualness in her progress towards constitutional and responsible Government. Our demand is humble; it is nothing more, nothing less, than what the Dominions enjoy. It is too well known that the fortunes of Britain and India are bound together; the former can ill afford to do without the resources or assistance of India. The immediate amelioration of her political condition is the sure and principal panacea for averting all evils and for averting the secession of this vast country. This latter we do not like. Even Mr. Gandhi said, "In my opinion, if the British Government mean what they say and honestly help us to equality, it would be a greater triumph than a complete severance of the British connection. The better mind of the world desires to-day not absolutely independent states warring against one another but a Federation of friendly interdependent states." The late Mr. C. R. Das also was of opinion that "under modern conditions no nation can live in isolation and the Dominion status, while it affords complete protection to each constituent composing the great Commonwealth of Nations called the British Empire, secures to each the right to realise itself, develop itself and fulfil itself, and therefore it expresses and implies all the elements of Swaraj which I have mentioned."

India was a member of the Imperial War Conference; she is now a member of the League of Nations and of all Imperial Conferences

including the recent Naval Conference and thus she stands almost on the same level with other parts of the Empire. Only the dependence upon Britain politically is the unfortunate clog on the redemption of her self-respect and honor in the comity of nations. The British Commonwealth of Nations is a "unique structure, a novel experiment in political organisation, constituting a category by itself—neither unitary nor federal —which binds together different nationalities under the "aegies" of a nation more powerful than the rest by mutual co-operation rather than by centralised control by no other visible bond than common allegiance to a mystic personality." Let India be glorified with the destiny that awaits her as a partner in the British Empire.

May I conclude by hoping that India will have the proud privilege of being placed on equal footing with the other Dominions of the commonwealth with the grant of full responsible Government without any further delay? I hope and trust, Sir, my resolution to this effect will receive your support as well as that of the hon'ble members of the House.

4-45 p.m.

Mr. PRESIDENT: The next resolution on the List of Business is somewhat analogous to the one just moved and I propose therefore to have one discussion on both the resolutions as it would save a lot of time. Let it be moved at this stage.

Round Table Conference.

Mr. S. M. BOSE: I beg to move that this Council recommends to the Government to communicate to the Government of India that in the opinion of this Council the Round Table Conference, consisting of Bengal representatives elected by this Council, be held on the basis of the immediate establishment of full dominion status for India with responsible Government in the provinces as well as in the Central Government so that India may be placed in the same status as the self-governing dominions of the British Commonwealth.

Mr. President, Sir, the motion that stands in my name is very important and vital one at the present moment. At the outset, I desire to explain that my motion consists of three parts: (1) Full responsible Government in the provinces as well as in the Central Government should be established without delay, so that India may be placed on the same status as the self-governing dominions in the British Commonwealth; (2) the Round Table Conference should be held on the basis of immediate establishment of full dominion status for India; and (3) the Bengal representatives to the Conference should be elected by the elected members of this Council.

Dealing with the last point first, we are entirely in the dark as to how many and how the representatives from Bengal to the Conference will be selected. If they are to be nominated, suspicion may arise that they will be such as are safe men from the Government point of view. To prevent this and to give a real representative character to those sent to England, we suggest that they be elected by the elected members of this Council, but those chosen need not be members thereof. I suggest an equal number of Hindus and Moslems.

Now coming to the real point, about the grant of full responsible Government in the provinces as well as in the Centre this follows from the national demand for Dominion status. Now, Sir, a good deal of controversy has raged round this expression. This involves a definition of the phrase "self-governing Dominion;" now this may be defined as an autonomous unit, equal to all other similar units in the Federation of Nations with Britain, Britain being on an equality with the self-governing Dominions and having no right of interference with them. It follows that each of these Dominions is a Sovereign State except that it does not openly deal with its foreign affairs. The Dominions are thus Partner-Members of the Empire, one prominent example being Canada.

We want such a constitution to be established now, subject to such safeguards and reservations as may be considered necessary during the period of transition, and as may be settled in a free Conference, but not imposed on us from above. This is the demand of the whole of India. Dominion status is the one rallying cry in the country which has brought together in a common platform all schools of thought—Hindus, Moslems, Sikhs, Parsis, and may I not add, even Europeans. This is the only rallying cry that can unite the propertied and the labouring and the backward classes. It expresses the desire to establish India's right to grow into a larger future in her own way, according to her traditions and genius, and to have the power to arrange the house of which she the mistress, according to her needs. In such a constitution, every care will of course be taken that justice—ample justice—is done to every community, Hindu, Moslem, Sikh, or European; and in particular, the interest of the minorities and the backward classes should be amply, justly, nay generously, protected.

But one word of warning. We do not want Dominion status as an ideal—a distant, far-off, adorable dream—but as the object to be achieved within the shortest possible limit of time. Some friends and well-wishers may object to the phrase "*immediate*" establishment of Dominion status. They are frightened at the word "immediate"—as if it means that to-morrow morning it is to come into force. The reason for our insisting on this is that we object to the old Preamble of the Government of India Act, which speaks of the *progressive* realisation of responsible Government. We all feel that this is now out of date,

and not in accord with Indian feeling and should therefore be repealed. As an answer to *progressive*, we say *immediate* realisation of responsible Government. Our friends will thus realize that we insist on the word "immediate" to mark our sense of disapproval of the Preamble. Further, European friends who are otherwise in active sympathy with our point of view should understand that we object to "stages" of advance to be dictated by an outside authority. The constitution must be left *to its* to expand or elaborate as needs arise. Further, nobody in his senses can imagine that full autonomy can come to-morrow or the day after. After all, in the life-time of a nation, what do five or ten years matter? So do not let friends be frightened at a shadow. At the Conference we shall urge that what we demand is not responsible Government by successive stages but a Dominion constitution to be established *now*, subject, of course, to such safeguards and reservations as may be considered necessary from a practical point of view. But I repeat that such safeguards must not be imposed from above but should be a matter of agreement between England and India.

Sir, so much has been written and discussed about the matter that I must refrain from dealing with it at greater length. But I deem it my duty earnestly to ask all my friends here to consider the present state of the country. There is ferment—unrest—upheaval. The civil disobedience movement with its disastrous consequences is proving a sore menace to the finances of the country. Real constructure work is at a standstill. The country is now on the verge of ruin. All this ferment shows how keen, how eager, how deep-rooted, is the desire of our countrymen to raise India and enable her to take her rightful place in the Commonwealth of Nations.

A few words more, and I have done. I appeal to my friends here, Moslem and European, to support the motion. Do not let us fight over words—mere shadows—but let us agree on the substance. To my Moslem friends I say that they are as deeply interested in this question which so vitally affects India, as any of us. We Moslems and Hindus both are equally impelled to strive for the uplift of the Indian nation. Equality of all is the great Moslem motto—We also want equality—equality of India with all other countries.

To my European friends I say that it is a matter for rejoicing that so many Britishers are taking a deep interest in this matter. More and more they are coming to regard themselves not as mere birds of passage, mere sojourners, but as adopted sons of India. For generations some families have served India and taken the salt of India and I know how they have striven their best in return to promote the welfare of their adopted country. Let the Europeans never think they are superfluous. Their help, their counsel, the stimulus to Indian thought that they can give, will always be welcome. In this critical time, we know how their leaders have striven to represent our case, our outlook and thought to

the British public. With malice towards none but charity towards all we Hindus, Moslems, Sikhs and Englishmen, hand in hand, we go marching on—on towards the Free India of the near future.

5 p.m.

Babu SATYENDRA KUMAR DAS: In support of the resolution to hold a Round Table Conference and for the grant of immediate Dominion status, I beg to submit that the British Nation is pledged to the establishment of Dominion status for India, and His Excellency the Viceroy on the 1st of November, 1929, declared that the attainment of Dominion status was the natural fulfilment of India's desire for constitutional freedom. Again, on the 9th July last, the Viceroy in his address to the Central Legislature made it clear that the declaration of the 1st November, 1929, stands good notwithstanding the publication of the Simon Report. Throughout the speech of His Excellency the Viceroy there rings a note of sincerity and it is manifest that His Excellency is really anxious to assist in "translating India's aspirations into constitutional reality." Referring to the ensuing Round Table Conference, His Excellency said that the Conference would be free to arrive at solutions with its liberty unimpaired by the Report of the Simon Commission or any other document before it and that the agreement which the Conference would be able to arrive at would form the basis of the proposals to be submitted later by His Majesty's Government to the Parliament. While this indicates on the one hand the position of His Majesty's Government with regard to India's political move and the scope of the Round Table Conference, it must be recognised on the other hand that the speech of His Excellency the Viceroy has satisfied only minority groups and entirely fallen flat on other influential political bodies which have explicitly stated over and over again their demand that the object of the Round Table Conference should be the drawing up of a self-governing constitution for India, subject to the transitional safeguards.

There is a nation-wide suspicion that the inclusion in the Round Table Conference of die-hard English politicians from various opposition parties and other interested nominees from India, may prove to be a stumbling block in the way of India's political progress on the path of the agreed goal. This distrust deepens daily as the result of adverse interpretations put on the speech of His Excellency in England and the prominence they are given in India by the unfriendly press; the latest criticism of this speech published in this country comes from the *Evening Standard*, which is of opinion that "there is scarcely a phrase in the speech of the Viceroy which could not be either expanded or restricted according as future expediency dictates." The result is that the decision of the Congressmen not to associate with the Round Table

Conference is gaining strength from day to day. The civil disobedience movement, of which I am not a supporter, has had its run during the past four months or more shows no sign of waning and during this period huge mass demonstrations have taken place. We hear of arrests and imprisonment, suppression of freedom of speech and writings, of martial law and use of force. The active participants in this movement, which is described generally as a state of war, are far outnumbered by its sympathisers both Indians and foreign. The movement has affected all ordered social relations. However much we may decry this movement and its organisers, it cannot be gainsaid even by its worst critics that it has demonstrated the deep and soul-stirring urge working in the minds of all ranks and classes for their country's freedom and political equality with other nations. The question is how to end all this? How to bring about an honourable settlement and improve the present situation? The answer is: Call the Round Table Conference and announce that it shall be for the framing of a constitution giving India Dominion status with transitional safeguards. The alternative of it is repression and more repression which would only serve to keep ablaze the fire of discontent all over the country. Without the association of influential political bodies, the Round Table Conference will make a poor show and any constitution for India evolved out of its final recommendations are foredoomed to failure. The plea for Dominion status is not exhausted merely by reference to the present civil disobedience movement. India's fitness for equal treatment with other partners of the British Commonwealth must be recognised. To quote the words of Sir Francis Younghusband, the gallant British soldier long connected with India "India has been greatly enhancing her prestige during the last 20 or 30 years. She is making a big position for herself" and he advises his countrymen in his recent contribution to the *Spectator* to raise India's prestige and says: "The greater hers the greater ours——we have already said that the goal is responsible Government, but we have always added 'within the Empire.' I would leave it to India to say that 'if she wishes.' After what India did for the Empire in the Great War, our sense of what is fit and gracious should surely make us leave the word with her. It is courteous to say it overselves."

India with Dominion status would be content and a friendly India would not only be a great bulwark for Britain, but also for British manufactures. So I would appeal to all the Europeans to extend their support to this resolution for giving India full Dominion status. With these words I support the resolution now before the House.

Rai Bahadur KESHAB CHANDRA BANARJI: Sir, I rise to support the resolution and in doing so, I desire to say that the Round

Table Conference—if it is to achieve any reasonable amount of success—must meet to frame a constitution for India on Dominion status basis. I wish to draw the particular attention of the Treasury Bench that I am not putting forth any new issue with which His Majesty's Government is not in complete accord. It would not be out of place to mention here that His Majesty's Government stands for self-government in India which means "Self-initiation, self-direction and self-control." The pronouncement of the 20th of August, 1917, speaks of "gradual development of self-governing institutions with a view to the progressive realisation of responsible Government in India." And it is an established fact that in spite of the attempts of Sir Malcolm Hailey and others to the contrary, responsible Government is the same as Dominion status or to be more literally accurate, responsible self-government. In the instrument of instructions issued by the King to the Governor-General, reference is made " to the end that British India may attain its due place among our dominions." In the Royal proclamation of 23rd December, 1919, His Majesty said that the Act of 1919 pointed the way "to full responsible Government hereafter" and "the right of her (India's) people to direct her affairs and safeguard her interests."

Thus it is clear that the pronouncement of August, 1917, declares responsible Government as the goal of India which is reiterated and emphatically supported by the authoritative declaration of Lord Irwin on 1st November, 1929, which definitely mentions the words "Dominion status." The resolution passed at the Imperial Conference in 1926, makes the position clear: "They (British and the Dominions) are autonomous communities within the British Empire equal in status, in no way subordinate one to another in any aspect of their domestic and external affairs though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations." I would like to put it on record that I am in agreement with Mr. C. R Das when he formulates: "Indeed, the Empire idea gives us a sense of many advantages. Dominion status to-day is in no sense servitude. To me, the idea (Dominion status) is specially attractive because of its deep spiritual significance . . . . I think it is for the good of India, for the good of the world that India should strive for freedom within the Commonwealth and so serve the cause of humanity." Sir, I have briefly stated that Dominion form of Government is the goal of India and His Majesty's Government is definitely pledged to it. In this connection, I would also like to point out that the immediate grant of Dominion status with certain transitional safeguards is the cry of every political party in India. All sections of politicians in India with wide differences in other spheres of public activity are unanimous on this point. Hindus, Muhammadans,

Europeans, merchants, Nationalists and Liberals are happily for India, unanimous on this question. It would be a political blunder to ignore such a demand, backed up by all sections and communities of the people.

But unfortunately, Sir, it is given out time and again by the die-hards in England and interested parties in India that India is not yet fit for self-government and the Britishers as their trustees must see to it, believing in the maxim of Momsen that "history has a nemesis for an impotent craving for freedom." Conceding though not agreeing with that viewpoint, I desire to point out that it is a sad commentary on the history of British rule in India that after 150 years, the Britishers could not make India fit for the dominion form of Government. Sir, it is a confession of their own weakness and failings and reflects great discredit on them; it does not in any way establish India's unfitness for self-rule. It is, indeed, strange to find that the Europeans in India who pretend to be believers in self-government want to put back the clock of India's progress, and as their recent debates at Peliti's on Monday show, they indulge in cheap gibes at the Indians and intend to prove themselves a stumbling block to the progressive path of India. We can only pity those whose temper has overclouded calm judgment in the face of the national agitation which seems to have disturbed their balance of mind. It has been a lesson of history that the enemies of Indian progress can go to any length for their own self-interests and the debates at Peliti's only support that finding of history.

Sir, the Indian National Congress which undoubtedly wields a great influence in the country and which is really the only political organisation competent to voice Indian public opinion has declared in unequivocal terms that nothing short of the immediate grant of Dominion status with proper safeguards will satisfy Indian aspirations—although its creed is isolated independence. And frankness requires it to be told that if peace is to be restored in the land and cordial relations established between the rulers and the ruled, it is of imperative necessity to consider sympathetically the popular point of view. I cannot and do not support the civil disobedience movement which, to my mind, is a philosophy of despair and is a negation of the constructive programme, but it requires no foresight to say that the Congress by launching this movement has brought about a situation which calls for immediate solution. Sir, it is not possible to administer a discontented India for all time to come. It shows medieval conception of the State that it will rule with all its emergency powers. The days are gone by when the kings ruled over tracts of land—not over nations. But if you are to rule a nation, some sort of settlement must be arrived at. Wounded heart and offended nationalism are

the greatest disruptive forces of modern times and unless there is a working compromise, chaos will envelope the entire land. Apart from political makeshift, coming down to the low plane of self-interest, a discontented India is of no help to Great Britain. Dislocation of trade and business here in this unfortunate country of ours will threaten the very existence of the labouring classes in Britain. It will not only affect the natives of India but also of England whose prosperity is indicative of the enormous resources of India.

Sir, you can in scorn of the united demand of the people make a conquest of it; you can spurn at their offer and coerce them into obedience; you can in your plenitude of power set at naught the wishes of the Indian nation. But, Sir, you cannot stop heart-bleeding; you cannot stop the gathering forces of discontent which are sure to show themselves up at any moment; you can conquer the people but cannot win their affection; you cannot conquer their hearts. And unless there is a change of heart, the Round Table Conference is foredoomed to failure. So, Sir, this Council in the interest of both England and India should recommend that the Round Table Conference should meet to discuss the constitution on a Dominion status basis and on that basis alone, it has a chance of success, otherwise all hopes, however high and rosy, would founder in the rock of despair, and contentment, peace and constitutional government would be things of the past; that is what I, as an advocate of ordered administration, apprehend and deprecate.

5-15 p.m.

Reverend B. A. NAG: Sir, one of the great disappointments of the Simon Commission Report was that while we might have appreciated their non-association with the Viceroy's declaration of 31st October, when it was made we fail to understand why no reference whatsoever was made to it, either in support of it or otherwise. It seemed to show that Sir John Simon had something very different in his mind from what our Viceroy had, and therefore it behoves us that we should make it clear that we support the Viceroy's declaration, and probably we go a little further than that. The second thing that Sir John Simon's Committee did was that they deliberately in their report mentioned that British institutions are not suitable to India. Therefore, it behoves this Council to make clear what we like and what we demand, and we do demand Dominion status for India. I would like to speak particularly on a section of this resolution which says "including Bengal representatives elected by this Council." Now, Sir, as a nominated member of this Council I know what the public say to me, and I believe the same would happen to the nominated members at the Round Table. The people will say that these men nominated by however great a personage were not representatives of the people, and therefore there is a very great danger that when the

Round Table Conference comes to a decision, the people here will say that these men who represented us were not our representatives. Therefore, their decisions are not acceptable to us. I submit that the right position is that the representatives to the Round Table Conference should be elected by the people and nothing would be better than that they should be elected by this Council which represents the people. Moreover, the Viceroy has intimated that all interests should be represented at the Round Table Conference. I do not know what resources the Viceroy has to find out the representatives of all the interests, specially the provincial interests which may be of very great importance. I believe it is only the provincial Council which knows what interests might suffer, if they were not represented at the Round Table Conference. Take, for instance, the depressed classes. It does not mean the same thing in Madras as in Bengal or in Bombay or in the Punjab. One might say take one representative from the depressed classes in Madras. That by no means would satisfy the depressed classes, but what might happen on the other hand is that the higher authority might object to nominate as many representatives from the various interests as might be elected by the provincial Councils. The solution is easy; the Viceroy might exercise his powers to select out of the panel of these men, not simply directly inviting, but nominating men from the panels offered by the provincial Councils. I believe Sir John Simon and his Committee have lost a great chance of serving the people in submitting a report which, if it were statesmanlike, might have arrested all these unrest in this country. But I believe the acceptance of such a resolution as has been moved by Rai Bahadur Kamini Kumar Das and Mr. S. M. Bose will to some extent reassure the pepple that Government might be willing to do what they want. With these words I support the resolution that has been moved.

Maulvi HASSAN ALI: At a time when every land in the world is enjoying self-determination and self-government, it is a sheer folly to think that India will be satisfied with anything less than a full responsible Government in the form of a self-governing dominion. India cannot lag behind the spirit of the time and she is fast moving with the world forces. The same world-force which is now guiding Japan, Turkey, China and Afghanistan is moving India also. You cannot ignore to any advantage now that the irresistible tendencies of the times have developed a widespread intense nationalism throughout the length and breadth of the country demanding expression in its government. Gandhi and Gandhites, Nehrus and Nehruites are none but the outcome of these forces and the Congress itself is nothing but the vehicle of this formidable force of national will of India. It is no use now saying that this or that section of the people does not want self-government. It is now an idle talk to say that the Mussalmans do not want it—it is now a lie to say that certain section

of Hindus do not want it. For what we see to-day in the country? Even a casual observer will not fail to see the outstanding fact of India to-day that every son and daughter of India, be he or she a Mussalman or a Hindu, a Jain or a Parsi, is throbbing with the passion of nationalism, and we find to-day that the distinction between extremism and moderatism, has now come to a vanishing point and men of every caste, creed and every shade of opinion are now out on achieving the same goal—Freedom. India's freedom to-day does not necessarily mean severance of British connection altogether; for I believe that it is neither in the thought of our leaders in general nor in the mass minds that India needs any complete severance of connection with Great Britain.

What is India's aspiration to-day then? You cannot express her aspiration better than in the words of her greatest son to-day, what she wants at the moment is "substance of independence." We want "the substance" of freedom and not merely the dry form of it and this object may well be achieved by the grant of an immediate Dominion status. Sir, India, at the present moment, wants a Government which must not be a curse upon the people instead of being a boon to them. India to-day wants a constitution by which her dumb millions must no longer be crushed by a systematic and progressive exploitation. India at this moment wants a Government which must put a stop to the ruinous expense of the military and the civil administration of the country which she cannot afford. India wants to-day a Government which will help her infant industries in full flourishment. India demands to-day that she be no longer a dumping ground for foreign industrial goods. India wants that the sorrowful tale of the miserable life of a poverty stricken peasantry under the heavy burden of a terrific system of land revenue be no longer a reality. India wants that she no longer be the home, above all countries of the world, of poverty, famine and destitution, disease and death, illiteracy and ignorance. She demands to-day that all her talent and energy should no longer be rendered helpless finding no free scope for serving the motherland. India, like all other nations of the world, wants to be wealthy, healthy, happy, wise and contented. Thus India demands to-day that 30 crores of her children can no longer remain political serfs, having no liberty to speak, no freedom of action and no freedom even of thought. Thus to-day she naturally demands for a radical change in the present system of Government which will benefit her as a whole—which will bring about political advancement and prosperity to the various sections of her people. Thus it is nothing but quite natural that India demands to-day for immediate establishment of a full responsible Government placed in the like status with the other self-governing members of the comity of nations under British Commonwealth.

We must remember that this is but the minimum demand of the nation. If the British people do not realise it, very soon they will have to face with the gravest possible situation. What we want at the present moment is not the shadow of responsible Government as depicted in the Simon Commission Report. To-day what India wants is this: The responsibility for good government of India must be immediately transferred from Westminster and Whitehall to the Swrajjya Bhaban. It is ridiculous to think that the modern India can any longer condescend to accept the so-called responsible constitution proposed by the Simon seven. While we Indians want that there be established a full responsible Government both in the centre as well as in the provinces which will derive its authority and power entirely from the legislature composed of the representatives of the people, the Cabinet being in fact the executive body, while we want to place powers in the hands of the people of India themselves, the Simon Commission would make the Governors the virtual rulers, nay varitable autocrats in the provinces. None can fetter his choice of ministry. He can over-rule the ministry and the legislature itself.

Sir, we have decried the present reformed constitution in the floor of this House. But the Simon Commission has made the position of the ministers worse than now. While India wants that responsibility for good governance of India must immediately vest in her people, the Commissioners would have us accept that the administration, control, direction and guidance of the country should irrevocably and perhaps perpetually vest in the British Parliament and the Secretary of State and the legislature of India should be under the supervision and check of the Viceroy and the Governors of the provinces. Here lies, Sir, the whole fun of the matter. Let the Britishers know that India will not be satisfied at the present moment without anything less than a full responsible Government having a status at least equal to that of a self-governing dominion under the ægis of British Commonwealth.

5-30 p.m.

Babu KHETTER MOHAN RAY: Sir, I rise to support this motion. The British Government and the British Ministers promised self-determination to India; they declared Dominion status as the goal for India, and India accepted it. A difference arose as to the time when India should reach the goal. Indians want the immediate establishment of a full-fledged dominion form of government, while the British people would like to have it postponed for an indefinite period. His Excellency the Viceroy before the joint session of the Central Legislatures recently said: "It was hardly expected that India, rightly sensitive of her self-respect, and growing every year more conscious of national feeling, should, of her own free will, desire to

remain indefinitely as a partner in the political society of the British Empire, upon terms which implied a permanent inferiority of status." And His Excellency proceeded to say that, in recognition of the feeling amongst the Indian people, he was authorized last year by His Majesty's Government to make the pronouncement regarding Dominion status. This statement is clear enough. Dominion status is to be granted to India to put an end to her present inferiority of status. It is obvious that the state of things, before the declaration of the Great War was made, implied the partnership of India on terms of inferiority in the political society of the Empire for an indefinite period. What was indefinite is to be made definite. It is admitted that this inferiority ought to be removed. Now the question is how soon that is to be done. India cannot remain for an indefinite period as an inferior partner of the Empire.

A full-fledged dominion form of government may not be possible just at the present moment, but Indians are agreeable to the proposal that safeguards should be provided in the constitution during the transitional period, the details of these safeguards being settled by negotiation. Indian leaders of all shades of opinion have repeatedly made it abundantly clear that they are not against provision being made in the constitution for safeguards during the transitional stage. But to this the British Government are not agreeable. Hence we have this period of trouble and unrest. If Great Britain means what she has already said, then what is the difficulty in settling a constitution on the basis of Dominion status? If the British and other foreign interests in this country fear that they are likely to be affected by a change in the constitution, then I say: "Provide safeguards and protective measures against such contingencies, and continue them for a reasonable period, so that it may not be said that such interests were taken unawares and have not had sufficient notice of the change." It is clear that the Indian people demand that full responsible Government should be established without any more delay in both the provincial and central Governments, so that India might be placed in the category of the self-governing dominions of the British Empire.

We hardly believe that a solution of this problem cannot be reached by the matter being approached in a spirit of good-will and friendliness. But we regret to say that Government has chosen otherwise. The result is the civil disobedience movement, which has gained enormously in intensity and strength. Government ought to note that the present unrest is not confined to the extremists only, and that it has spread through all classes and ranks of people all over the country. The sooner this question is solved, the better for all parties concerned. Nothing short of self-governing status, with sufficient safeguards, if necessary, during the period of transition will satisfy the people of this country.

Babu SATYENDRA NATH ROY: Sir, the most momentous announcement, since the assumption of the Government of India by the Crown in 1857, was made on the 20th August, 1917, by that lamented statesman Edward Samuel Montagu in the House of Commons by which "responsible Government" was intended to be introduced in British India. Sir, it was not the view of an individual—not even that of a party in office, but a pledge and assurance offered to India by Britain herself. Sir, what was the reason of that announcement and pledge? It was the attitude of nationalist India towards Britain during the most eventful period of not only her own history, but in the history of the whole world. I need not repeat here the fate to which some of the nations were doomed and from which some of them have not been able to recover as yet. But what was the fate of Britain? She stood triumphant as she stood for freedom and equality of rights, with India and the Dominions all the world over standing by her side.

Sir, immediately after the announcement of the 20th August, 1917, instead of sending out a Commission, Mr. Montagu himself came out to India and jointly with a sympathetic Viceroy began to take evidence how responsible Government could be established.

Sir, after the War had ended unsympathetic officials and interested classes began to put their heads together as to how to curtail the reforms intended to be given. The cry was raised that the Indians were not at all fit for any sort of responsible Government, and instead of putting them in charge of the whole administration they should be put in charge of a portion, and the form of administration known as Diarchy was introduced. We all know the result of the working of that diarchical form of Government. It has done more mischief than good to the administration. Sir, we are all surprised to find that more unsympathetic methods are now being tried to whittle down the reform proposals. Some of my friends on the opposite, whose sympathy and love for the dumb millions know no bounds, are out for putting the machinery of Government backward. Their self-interest, their trade, their commerce, should be the supreme objective in the administration of the country. One is not only surprised but astounded to find that a concrete suggestion is being made that the present agitation has been engineered by a few monied Indians, and that the mass has no sympathy with it. Do they really mean that they want to see a wider manifestation of popular agitation?

Sir, India has for long been exploited for British trade and British commerce, and is it not time that these sojourners are put on an equality with the children of the soil? The pagoda tree has been shaken for long, and it is time that my friends on the opposite side took warning that united India—Hindus and Muhammadans—would stand shoulder to shoulder for equality of rights in all matters with a handful of birds of passage.

Sir, I submit that the provincial autonomy, as recommended in the Simon Report is not full responsible Government. What we want is that all the departments of Government should be run by Ministers, who would be elected by the people and not be nominated by the Governor. Nominated Ministers can never be responsible to the people.

Sir, regarding the Central Legislature the idea of the Commissioners about a federal India is a curious one and against the united opinion of the people. We want full responsible Government in the Central Legislature, as well as provincial autonomy in the provinces. Sir, may I ask "Could not Sir Bhupendra Nath Mitra be trusted with the finances of the Government of India as a Minister or Sir Purushotham Das Thakurdas with the Commerce Portfolio?" In the Simon Report the proposal for introducing responsible Government in the Central Legislature has very artistically been thrown out on the ground that the ultimate constitution of India must be on federal lines, and so long as the Indian States do not join, this cannot be done. British India, educated India, will have to stand and wait indefinitely for the Native Princes to advance.

There is no reason why India should not be placed in the same status as the self-governing dominions of the British Commonwealth.

I hope an early pronouncement should be made before the Round Table Conference meet, that the basis of any future constitution for India should be the grant of full Dominion status to her.

Sir, so early as the seventies of the last century the poet Hemchandra sang—

"চীন, ব্রহ্মদেশ, অসভ্য জাপান,
তারাও স্বাধীন, তারাও প্রধান,
ভারত শুধুই ঘুমায়ে রয় !!

[This means that the Chinese, the Burmese, the uncivilised Japanese are independent and wield mighty powers. It is India that alone is lying dormant.]

Maulvi ABUL KASEM: I am sorry, Sir, that I cannot give even my qualified support to this resolution. At the very outset, I would like to say that I feel as deeply the humiliating position of a subject-race as any of my countrymen. But my method for securing self-government entirely differs from that of my friends. I do not believe, Sir, that self-government can be obtained either by a piece of parchment or by an Act of Parliament. Self-government has to be secured, in my opinion, by making the people fit to govern themselves, and by preparing them for it. Somebody has said that God will not, and man cannot, refuse self-government to a nation if that nation is fit for it. But at the same time I must say that God will not,

and man cannot, grant self-government to a nation which is not fit for it. I submit, Sir, that in all this struggle for self-government my countrymen have evaded the real issue and have not exerted themselves in the least to prepare the people for the responsibility that is going to be thrust on them. It has become the fashion to-day to repeat the slogans of Dominion Status, responsible government, independence, and so on,—to be granted immediately—perhaps even before the sun goes down to-day. But whatever we may desire, we must first of all prepare ourselves for shouldering the responsibility, and further we must also deserve it. The cry of my countrymen reminds me of an old woman who went to a butcher-shop in Edinburgh Park Lane. The butcher asked: "Madam, what do you want?" She said: "If you wish to know what I want, I must tell you that I want a house, a 60 horse-power motor-car, and £6,000 a year; but what I really expect is a pound of mutton. Please credit it for Saturday." (Laughter.) I think, Sir, that the proper way to secure self-government is to prepare the country, the people of this land—by the people I mean the masses and not the politically-minded intelligentsia—for the onerous duties and responsibilities which will devolve upon them when self-government comes at last. Sir, might I remind my hon'ble friend Mr. S. M. Bose, the mover of this resolution, that his illustrious father and his colleagues worked for nearly half a century to prepare the people and the country for self-government, and that the reforms that have been introduced and the partial responsibility that has been granted to the people of this country are entirely due to the untiring efforts and ceaseless labour of a few men—I mean the late Mr. Ananda Mohan Bose, Babu Surendra Nath Bannerji, and Mr. Bhupendra Nath Bose? But their good work has been—and is still being—undone by my countrymen who have followed in their wake. Here, in this province, the people have been prepared not for responsible work but for revolution and lawlessness and to carry on the organization of political work on lines neither healthy nor sound.

Sir, there is another matter which has been brought forward before this Council: it is that Dominion status should be granted immediately. My objection is—and I shall be frank in what I say—that I do not feel that my countrymen at the present moment are prepared to take on their shoulders the responsibilities of self-government. Is there any guarantee that there will not be a tyranny by the majority over the minority? By the majority and the minority I do not mean simply the Hindus and the Muhammadans, or any such communal groups or bodies. What I mean is that any party which can organize itself for purposes of wielding power will always tyrannize over a minority party who may disagree with them. That is not very encouraging to all well-wishers of the country who want to see

responsible government introduced in this country. The reason for my belief is my experience of the administration of municipalities, because there the majorities always tyrannize over the minorities. Sir, I will not labour this point any further.

5-45 p.m.

Another matter that has been brought forward is that members of the Round Table Conference, instead of being selected by the Viceroy or the Government of Bengal, should be elected by this House. My friend the Rev. Mr. Nag said: "I am a nominated member and people will turn down upon me if I am selected because I am a nominated member, for they have faith in an elected member." Certainly an elected member enjoys greater confidence of the people than a nominated member, but with due respect to my friends on the other side for whom I have the greatest respect and for whose abilities also I have the greatest respect, I say, "have the elected members of this House the confidence of the people, because the only organised party, the biggest and strongest party in the country is out of it?"

My objection to this proposal for the immediate grant of Dominion Status is based on the fact that my countrymen refused to send any but my friends on the other side, because they belonged to an organised party and, in favouring a candidate, did not follow the merits or services of any particular individual or his political opinions but simply his party ticket. That is the situation by reason of which we cannot expect to be able to take up the responsibility of self-government. I say, Sir, when the only organised party, the party which has really got a hold over the vast population of this province and commands its respect, is out of this Council, it is no good having members for the Round Table Conference elected by this House. They will be as much looked down upon as any nominated member.

As regards my personal opinion I submit, Sir, that the idea for which the Round Table Conference was suggested has absolutely failed in its object and since it has failed to draw the biggest party in India to the Conference, I think that the best and statesmanlike course would be to drop the idea of a Round Table Conference altogether. However, that is the business of great statesmen; they know it better. But for myself I can only say that however much we may desire autonomy we shall be far away from its realisation until we prepared, educated and trained the people in the villages how to attain it rather than look for it to a piece of parchment or an Act of Parliament to give them self-government.

It is very well that some Englishmen, some Americans or the Government of India or the Viceroy may say that we are very fit, we are very able and that we have done very good work in the Legislatures or in the Assembly and therefore we ought to get

promotion. That would be just like the school boy whose teacher called him a duffer but who replied: "Sir, you call me a duffer, but my father calls me clever, my mother calls me clever, my sisters call me clever, and what is more important, I myself think that I am very clever." Statements such as these would flatter us to think that we are very patriotic, that the Viceroy has been complimentary to us and that we deserve Dominion status, that we represent the nation as much as the people who are now outside the Legislatures. But just as the real judge of a boy's brain is the teacher, so the real judge of our work is the people—by the word "people" of course I mean the people who toil in the rural areas of Bengal. Their opinion has not been taken or ascertained. You may say that you have been elected by them; so indeed you have been. But can any one of us here—not even excluding myself—lay his hand on his heart and say that they have elected or voted for you because they recognise your services or policy or politics? As far as I myself am concerned I can say that they voted for me not on those grounds but on personal grounds only. Others, I daresay, have been elected because of their party organisation which by intimidation, threat or cries of party slogan has sent them here. I do not claim and I think none of us can claim that we really represent the people, that is, the agricultural population, or even a majority of them.

Dr. NARESH CHANDRA SEN GUPTA: It is hardly worth while at the present moment to discuss the question whether the Round Table Conference should meet on the basis of Dominion status for India or not. The hand of time has clearly indicated, the inexorable hand of destiny has indicated that if there is to be a Round Table Conference, if there is to be a conference which is to lead to any result whatsoever, it can only be in a conference on the basis that India is to have self rule on the lines of the British self-governing Dominions. The history of the past few years and more strongly the history of the past few months has made it inevitable that this should be so; and if there are those who would shut their eyes to the facts of history, who would attempt to deny the truth which is writ so large in history and say that all this is mere froth and not substance, I can only pity them because there is no doubt at all that the great mind of India is working behind all the manifestations of nationalism, the wisest and the most foolish. Scores of events have taken place within recent years and they show that the great mind of India has said that it shall be free and that Dominion status is the least that will possibly satisfy the mind of India. Those who would not recognise this fact, those who have shut their eyes to-day to it, to them I say that they are living in a dreamland; their counsel is not a counsel which counts and which ought to count in a serious

Legislature like ours. My hon'ble friend Rai Bahadur Keshab Chandra Banarji gave undue importance to the absolutely foolish utterances of a body of persons who recently assembled in an eating house to discuss politics. To my mind they are Rip Van Winkles who went to sleep in the eighties of the last century and have suddenly woken up to find that the world they were familiar with had gone and there was no way of bringing back the old condition of things. It is not worth while referring to them; it is not worth while entering into any controversy with them, the futility of all controversy with such people is shown by the wildness of their imagination when with their eyes shut they dream that Sir Charles Tegart is sitting on the *mashnud* at Delhi and Lord Birkenhead rattling his sword at Whitehall. But that is not to be. That day will never come; the consummation of their dream will not come. It is not worth while entering into a controversy with them, but my friend Maulvi Abul Kasem is worthy of much greater consideration. He has laid down (he will pardon me for saying so) a platitude which has been overworked for the purpose of showing that the time is not yet. "Deserve and then desire" is a maxim which mothers often teach their children; it is a maxim which we have heard repeated times without number. The answer has been given, not by those who are here but men who are outside, that they have deserved and they now desire independence. Their efforts may lead to success or to failure but the very fact that they have made wonderful sacrifices for it, nay, the very fact that they are resolved to be free and the way they have shown that, proves that the maxim "first deserve and then desire" is far too out-of-date to-day. The desire of India is to be free—to govern itself; Maulvi Abul Kasem will perhaps say that India should be put into a school, a school which will never end; but India is not content with it. The answer of India is that she had been at school with masters who have made a mess of the business for the last 150 years. She now wants to school herself. And who will deny India the right to school herself for the task of governing India which she carried on at a time when England was not here and which she will carry on in the future when England may not be here. That is her determination and nobody can deny her her wishes. Therefore I say that this desire of India has got to be given effect to, it has got to be satisfied in a reasonable measure if anything is to be achieved by the Round Table Conference.

What is the basis of the Round Table Conference? It is a negotiation between India and England with regard to what can be done for giving to India her heart's desire—her freedom. If that is not the basis of the Round Table Conference, there can be no other basis for it; on any other basis the Round Table Conference would be a useless waste. If that is the basis of the Round Table Conference

it is perfectly clear that there should be Dominion status for India to-day and now with transitory provisions perhaps, necessitated by the circumstances of the case such as the absence of a national army —transitory provisions which will work out automatically in accordance with the principle which was so wisely laid down in the first Chapter of Sir John Simon's report only to be forgotten ever afterwards. That is the only basis upon which the Round Table Conference can take place.

In the second place the Round Table Conference if it signifies anything must be a conference between the representatives of India and the representatives of England. It is no use picking up a number of Indians—there are Indians of all sorts—to make a selection and put them in a box and pretend that they are India. No, if you want to talk with the representatives of the people of India it must only be with the elected representatives of India. Here I meet with an objection which has been raised by Maulvi Abul Kasem and I am reminded of the rebuke which Mr. Cooper flung in our face the other day that we do not represent the people. It is possible that we do not represent the people. Facts undoubtedly show that we do not represent the people; the mind of the people is undoubtedly with those who are outside the Council and who feel it a shame to come here. Nevertheless I should have thought that if that is the feeling of Maulvi Abul Kasem, if that is the feeling of Mr. Cooper, they might have suggested something which would be a better solution than the one suggested by the hon'ble mover. They might suggest a deputation to the swarajists who have become so dear to them on account of their absence to elect their own representatives to sit at the Round Table Conference.

6 p.m.

Would they have the courage to make that suggestion? Would they accept that? Well, Sir, I for one would unhesitatingly accept any method of election which would enable the representatives of the people to go to the Conference. I do not pretend to represent the people. As a matter of fact, it is the swarajists who are outside, it is the congress men who are outside, who actually represent the people, and if negotiations have to be carried on, they must be carried on with these people. But how to get at them? The only way to do this is to make up with them, to have a compromise with them, in order to make it possible for the swarajists and congress men to come to the Council by seeking election, and then to elect representatives from this Council. Therefore, the only constitutional body which can possibly represent Bengal in any negotiations with England is this Council. Reconstitute the Council, if you will, but nevertheless———

Mr. PRESIDENT: Order, order. I think Dr. Sen Gupta is making some definite remarks with regard to the position of this Council. I take his remarks to cast almost a reflection on the whole body which I, as President of this Council, will not permit him to make.

Dr. NARESH CHANDRA SEN GUPTA: I am sorry, Sir, I should have given you that impression. I was only taking the previous speakers at their words and was saying that if that was the real feeling, we should try to get at the real representatives of the people.

Mr. PRESIDENT: Order, order.

Dr. NARESH CHANDRA SEN GUPTA: I think the only constitutional course to get the representatives of this province is to get them elected by the elected members of this Council.

Then, Sir, there is another thing which is absolutely essential for the success of any Round Table Conference, and that is that the representatives of the people of this country, whoever they are, should not go to England unless they can sink their differences. Sir, it is a fact that Indians are wholly divided amongst themselves. They must first make up their minds, they must make up their differences, they must all be united, and then they can tell England "this is our business, you leave it to us to frame our own constitution, do not interfere, let us have a constitution by which the people of India, through their own representatives, can carry on their Government, and all other questions must be settled by ourselves." Unless they can do this, what is the good of holding this Round Table Conference? If they carry with them their petty squabbles to the Round Table Conference, it will be a failure, and whoever the representatives of India may be, unless they arrive at a unity of thought, they will be well advised not to sail at all.

Babu JATINDRA NATH BASU: Sir, we have been reminded by Rai Bahadur Keshab Chandra Banarji and Dr. Naresh Chandra Sen Gupta that there is still a certain class of people who are of opinion that there is no such thing as public opinion amongst Indians. Well, Sir, that is a mentality which is not a new one. It enables those who hold that view to confine their outlook within only a limited sphere and to ignore everything which is outside that sphere. Sir, when public life in India first organised itself about half a century ago and the Indian National Congress was established, ridicule was poured upon it from the same quarters that that body represented only a microscopic minority of the people. Well, that body has lived through half a century, and those who have watched the growth of public opinion in India during that time must have noticed how widely the

views that were then given expression to by the body known as the Indian National Congress have spread all through the land from the remote borders to the interior of the provinces of India, so that now not only what is ordinarily called the intelligentsia, but also the work-people and the cultivators, are imbued with those views. Those who have to face Indian electorates know that very well. The views to which I have referred when I commenced my remarks are generally expressed by those who have not to face Indian electorates as has to be done by those who desire to find the popular view. We know that shortly after the Indian National Congress was established, owing to the insistence of public demand in India—a demand which is still sought to be ignored—there were some reforms. Those of us who are old enough remember the reforms introduced by Lord Cross in 1890 or 1891, when he was Secretary of State for India. Those reforms fell far short of public expectations. Then there was a period of nearly 18 or 19 years during which nothing was done. In the mean time came the Partition of Bengal. The way the agitation arising out of the partition spread throughout the country showed how far popular views could sway the minds of the people and how much the people could suffer when they had a cause to stand up for. Repressive measures were had recourse to in the same way as now. There was whipping and caning and so on, and we saw for the first time in the history of British connection with India the birth of revolutionary conspiracies and the cult of bomb. Two or three years after the repressive measures commenced, Lord Minto and Lord Morley thought over the situation and they came to the conclusion that there must be an advance and they introduced certain reform measures. Those measures again fell far short of the expectations of the people of India. The result was that disaffection spread further and went deeper. Sir, we had measures in 1908, 1909 and 1910 which side by side with the new reforms that were introduced took away the liberty of the people in other respects and introduced mediæval measures for dealing with public opinion. Then came, about seven or eight years later, commencing from 1917, certain declarations of policy resulting in the Montagu-Chelmsford Reforms and the Government of India Act of 1919. Those reforms promised a great deal. They recognised for the first time that India was to be governed primarily in the interests of the people of India. That is a view which, from opinions recently expressed in some quarters, was not the view taken by a great many Englishmen, but that is a view which was given expression to in Parliament by the representatives of the British people and incorporated to some extent in the preamble of the Government of India Act. Even those reforms did not carry with them the whole-hearted support of the Indian people. When the reforms were introduced, efforts were made to work them. But the people sent

representatives to the legislatures who did not at all want to work the reforms as they stood, and we all know that during the last 10 years the output of work of the Indian legislatures, both central and provincial, has been negligible. There has been practically no advance of the people, morally or materially. While on the other hand we know very well—we feel it every day and almost every hour of our life that disaffection is gaining in volume. Amongst the classes of people who have taken to civil disobedience, a great many belong to classes who do not ordinarily take interest in the political movements that are taking place in the country. We find that in the interior a great many people who are supporting the civil disobedience movement are people belonging to the labouring and cultivating classes. This has been the result of half measures. This has been the result of want of trust. Sir, if we study the growth of political movements in India, we will find that the older generation of political leaders were men who were friendly—sometimes very friendly—towards England, because they put faith in England, they trusted England and they had the firm belief that England was working to place India on a footing of strength and on a footing of equality with other self-governing people. But that mentality has been gradually disappearing until at the present day we cannot mistake the mentality that is now prevailing amongst the people of India or at least amongst a great many of them. There is a great distrust of the intentions of Englishmen towards India. That probably has induced political organisations like the Congress and the leaders of those organisations to strike out a new path of their own, because they believe that Englishmen, so far as their relations with India go, have chosen to strike out a path of their own, irrespective of the interests of the people of India.

6-15 p.m.

Sir, the result is, that there is great suffering amongst the people of India. From the way the leaders who seek to strike out a path of their own and to work out their own salvation have gone on, it is evident that they are not afraid of suffering, but so far as the mass of the people of India is concerned, it engenders a feeling of disaffection and hatred which cannot but lead to serious trouble and misery in the future. Sir, the resolution before the House wants that there should be full Dominion status so far as political powers are concerned in the matter of the government of the country. A very large proportion of the people of India entertain the view that immediate Dominion status is the only salvation. The people of India are not fools, they know the history of India very well. They know what was the condition of England and of India in the middle of the 18th century. England had control over herself and over this country during the last 175 years. Look at the difference between the

present state of the two countries. Look at the progress of the two peoples, and the immense difference between them. Look at any country governing herself and inspired with modern ideas. Government has permitted India to drift to her present position. Only ten per cent. of the population is literate. A great many people, a very large percentage of the people, is without any medical aid. That the Government of India which has no direct organic connection with the people has permitted this kind of things, is a feeling that inspires the people from the highest to the lowest. It is a feeling that they cannot shake off. They feel that the system of Government that we have is a superimposition on the people without any organic connection with the people and without any responsiveness to the needs and desires of the people. Dominion status means that the people will have a Government which will look after the people; it should be the first duty of that Government to look after the people and not to think of the safety merely of the machinery of the administration.

Look at our modes of expenditure. We have an enormous army costing us, even after Lord Inchcape's reduction, Rs. 55 crores a year, out of which the foreign contingent costs about Rs. 35 crores. Then we have the provincial administration, a very large proportion of the expenditure of which is taken up by the police. It shows as if the administration is anxious to preserve the personnel of the administration instead of preserving the people and helping their progress. The Government as it is conducted here is a Government of over-centralization. In pre-British days there was a Government in this country and the people were trusted, with the result that the police cost little. The local headmen looked after the peace of the countryside. Nowadays we have a police controlled centrally and spread out like the tentacles of an octopus with the result that we are subjected to suffering. Sir, the system of Government that has been established is such that we are being kept back. My friend Maulvi Abul Kasem has observed, "first prove yourselves fit for self-government and then ask for it." I think it is too late now to question the capacity of the people of this country to govern their own country. Look at the Indian States; some of them have already introduced systems of industrial development, mass education, works of irrigation and various other things, which British India will take about half a century more to develop. In that way we are being kept back. It is, therefore, that I wholeheartedly support the resolution, and I may say that so far as non-Indians are concerned they need not have any fear because the policy of trust has always been of great use in international relations. To talk of a recent historical incident, there was a fight between the English and the Boers, and the Emperor of Germany sympathised with the Boers. But when the great war broke out in

1914, five or six years after South Africa was given her freedom in the shape of Dominion status, the Boers fought for the British. I think no Britisher, merchant or administrator, need have any fear from a self-governing India.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to support the resolution that has been proposed by my friend the Rai Bahadur and I would emphasise particularly that part of it which says "without delay." I am sorry I did not expect to hear on the floor of this House that there would be any discordant note sounded as regards the claim of India to immediate Dominion status. One voice has been sounded to our regret and to the regret of Bengal on grounds which I shall presently deal with.

Sir, I have described in the resolution tabled in my name that the recommendations of the Simon Commission are retrograde and reactionary in parts and taken as a whole are quite unsatisfactory and unacceptable. Since I sent in my resolution, opinions all over India of those eminent persons whose opinions matter at all in the framing of the future constitution of India have expressed themselves and the recommendations have been characterised as "mockery of real autonomy," "an absurd document," "a monstrosity," "a subterfuge," "preposterous and grossly insulting" and "unacceptable." I need not add the other epithets which have been showered on them by the most eminent political thinkers of the country, none of whom can be called constitution-wreckers. Sapru, Shastri, Ayer, Chintamoni, Gour, Zulfiqarali, Yaqub are co-operators with vengeance and their considered opinion is that the report of the Simon Commission is retrograde and unacceptable.

Sir, the study of the recommendations did not leave me cold as it did my friend the Rai Bahadur who spoke yesterday, but it filled me with wonder as to how far common ingenuity and legal quibles could go to forge fetters in the shape of constitutional document to bind one nation to the chariot wheel of another. The Simon Commission report possesses the unique merit of satisfying no party in India, Hindu or Moslem, moderate or swarajist, or even Anglo-Indians. They reveal the true mind of the Commission as deadly opposed to the grant of self-government to India either in the near or distant future. We can only hope, although it is hoping against hope, that this is not the true mind of England in relation to this question of self-government for India. The Commissioners while they start with the principle that the new constitution should contain within itself provisions for its own development and that its plan should not be too rigid, curiously enough find the greatest difficulty in reconciling Indian freedom with Imperial interests.

Mr. H. S. SUHRAWARDY: On a point of order, Sir. Is the member in order in discussing the report of the Commission?

Mr. PRESIDENT: I take it that it is not your intention, Satish Babu, to merely criticise the Simon Commission Report, but that you want to refer to such of their findings or remarks as are contradictory or hostile to the recommendations of the resolution that is now before the House. If that is so, you are in order, but I should ask you to remember, whilst speaking on this resolution, that it is incumbent on you to properly link your remarks with the resolution now under discussion and that you should not refer to the recommendations of the Simon Commission Report without reference to the proposals contained in the resolution.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, my point is that it is Dominion status which is really wanted by the people of this country, and that the Simon Commission Report is against that.

The army recommendations to my mind are the crux of the whole thing—they are the true tests of the genuineness and sincerity of the offer. The Commissioners find great difficulties in reconciling Indian freedom with Imperial interests. It is admitted there can be no national freedom without a national army, yet the Commissioners say "We regard it as beyond question that having regard to Indian and Imperial interests involved to the dangers and to the composition of the force, Parliament cannot wash its hands of all responsibility for this army." Then speaking of the transfer of the army to Ministers they say "when this will come about we cannot say, but we see no prospect of its happening for very many years." Nobody in this House need be deluded by the word "years" which may mean centuries. If this be so, how is it possible for India's freedom to grow by breaking this iron frame of the constitution based on this army arrangement?

One chief reason why the control of the Indian Army is to be an Imperial affair, as given by the Commissioners, is as follows: "On India's frontier alone is the Empire open to any serious threat of attack by land, and it must be remembered that such an attack might be delivered *not on account of any quarrel with India*, but because a dispute between the empire and foreign power had arisen in quite a different part of the world."

6-30 p.m.

One can see at a glance the vicious circle in the midst of which we are placed—no self-government without control of army, and no control of army because Imperial interests will suffer. The very argument used by the Commissioners shows that a self-governing India will have a

less arduous task in defending her frontiers than a dependant India. Is this not a reason for according full freedom to India?

In order to secure our acquiescence to the transfer of the Indian army to Imperial control, a bait is thrown in the shape of a promised contribution from the Imperial exchequer for its maintenance. Even a child can understand this stratagem and will refuse to fall into the trap. To develop their argument along this line, the Commissioners think that the army expenditure of 55 crores is much too heavy for India compared with the Dominions—a confession for which we may all feel grateful to the Commissioners.

One would expect that with the army of occupation—I call it the army of occupation, because it is nothing else—placed on a firm footing, full responsibilities would be introduced in the Central Government. But, strangely enough, the Commissioners cite that very fact "as gravely complicating the problem of the introduction of an increasing measure of responsibility into the Central Government." Sir, these are not my words but those of the Commission.

The powers of the Central Legislature have been so far curtailed and the Viceroy invested with so much unlimited autocratic powers that the report, anticipating criticism, assures us that there is no retrogression at the centre. Sir, this is an assurance which reminds us of a Bengali adage.

One of the reasons assigned for this autocratic power at the centre is to correct the errors of the provinces which have been given autonomy.

There is no proposal for practical autonomy, which is also the case as regards the provinces. My reasons are that there can be no reduction or curtailment of Ministerial salaries by vote in supply as now; that no vote of censure can be passed except under great restrictions, and that Ministers may be nominated from outside the House, many other such retrograde proposals bear testimony to the sort of autonomy we are going to have. As if they were not enough safeguards, the Governor is invested with almost unlimited powers of overriding his Ministers. These powers would be exercised under five defined heads. But they cover the whole field of administration, in fact if not in name. The mention of one, the preservation of "safety and tranquillity", is sufficient to cool our enthusiasm for provincial autonomy to the freezing point. Over and above this, the admittedly autocratic powers of the Viceroy to intervene in the name of "Superintendence" are envisaged in the Report.

Even if there were real autonomy in the provinces, under the conditions laid down in the recommendations, it would be in perpetual danger from autocracy at the centre. It is the centre which matters in politics as in physiology.

The Report leaves the centre quite undefined, and to take whatever shape it may after the establishment of full autonomy in the parts. This is the reverse order in politics. Given responsibility at the centre, it will filter down to the parts, but not *vice versa*.

The two obstacles trotted out by the Report as standing in the way of the establishment of full Dominion status are (1) the existence of the Native States and (2) communal differences amongst us. The first question was dealt with yesterday by my hon'ble friend, Dr. Naresh Chandra Sen Gupta, but the other question remains and it is very important. I assert, Sir, that the existence of the former can never be a ground for denying or postponing the grant of self-government to India, and that the latter will exist so long as full civic responsibility is not created by the grant of Dominion status. This great evil of communal differences is a direct offspring of our dependence on another nation as the arbiter of our destinies, as the patron to whom the rival parties look for favours.

Rightly, Sir, has the Viceroy declared that the Simon Report will not be the basis of discussion at the Round Table Conference. From this one statement one cannot but come to the conclusion that His Excellency the Viceroy is inclined to believe that Dominion status is possible for India, and I submit that the inevitable sequel of this declaration is an announcement that the immediate establishment of full Dominion status will be the basis of these discussions. However, I will not quarrel about the word "immediate," but the declaration leaves no doubt in the mind of many that His Excellency the Viceroy wants to give the go-by to the Simon Report out of deference to the wishes of the vast majority of people of this country. We in this House are doing nothing more than emphasizing the stand-point taken up by the Viceroy—admittedly one of the most sympathetic rulers that India has ever had.

Coming to the question of communal representation which has been recommended by the Simon Commission, we must admit that we are also partly to blame for it. The Montagu Report which extended and stereotyped it was forced to admit———

Mr. PRESIDENT: You have reached your time-limit.

Babu SATISH CHANDRA RAY CHOWDHURY: I should be much obliged if you could grant me two minutes or so for finishing my speech.

Mr. PRESIDENT: All right.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, we want Dominion status for the following reasons:—

(1) Because it is the birthright of every nation to be free and Indians, irrespective of community, caste, or creed, are putting forward this universal demand The longer it is delayed the greater will be the cleavage and greater the chaos.

(2) It is impossible to settle our racial and religious differences without full development of a sense of civic duty and responsibility, and the idea of common citizenship. This is impossible so long as power is in the hands of a third party, who are responsible not to the people of this country but to a body thousands of miles away. The illustration of this point is found in the fact that 150 years of British Rule has not succeeded in bringing the main communities together, nor have British guns and bayonets succeeded in preventing us from fighting with each other. Even if one did not go so far as to say that the divide-and-rule policy of the Government is mainly responsible for this miserable state of things, it is undeniable that the evil is so great to-day, that a different remedy, a different system of administration, must be tried, and that full self-government has been proved to be an efficacious remedy all the world over for communal and other differences. I believe that as soon as the declaration is made that full Dominion status in the immediate future will be the outcome of the Round Table Conference, it will produce the magic effect of bringing communities together.

(3) We want immediate Dominion status, because without that our economic salvation is impossible. It is impossible to believe that without it we can revise our trade and industries, explore and lay under contribution the unlimited resources of the country, develop our industries to such an extent as to be able to stand against every form of foreign exploitation, and to meet the requirements of modern civilization.

(4) We want immediate Dominion status because any form of Government short of that will only add to the heavy burden of the people, without bringing any compensating good as our bitter experience under the Montagu-Chelmsford Reforms has taught us.

(5) We want Dominion status because it will retard the physical and moral degeneration of our race.

(6) We want Dominion status because it will remove all barriers between classes, creeds and races, and make all people feel as sons of one mother.

(7) We want Dominion status because the attainment of that status will make rule by ordinances and regulation lathis, as well as arrests and detention without trial, impossible.

(8) We want Dominion status because that alone can prevent the best sons of the country from being immured within the prison walls, in spite of the protest of the whole nation.

(9) We want Dominion status because without that India cannot fulfil her spiritual mission in the world, and the dream of the world peace can never be realised.

(10) We want Dominion status because without that we cannot get the best out of those Englishmen, whether they belong to the I. C. S. or not, who are genuinely bent upon giving their best in the cause of India's self-realisation.

(11) We want Dominion status because without that the civilization of west and east cannot mingle together to produce a mighty current for the regeneration of mankind.

(12) Last but not the least, we want Dominion status because England stands pledged to that, and because her statesmen and Ministers, have by their declarations and writings—and no less by examples—kindled a burning desire in the Indian mind for the attainment of full freedom, and the non-fulfilment of that promise is leading the country to an utterly chaotic condition, and that chaos and confusion is made worse every day, confounded by a blind repressive policy which is the mother of all crimes and sins known to mankind from the earliest times. (Ironical cheers from some member of the European group.)

Mr. H. S. SUHRAWARDY: Sir, it is difficult not to have sympathy for the resolution now before the House, but I can assure my friends who have spoken so ardently and so eloquently in support of it that our sympathy would have been much more than mere lip sympathy—it would have been active sympathy—had they attempted to understand the point of view of the Muhammadans and had they come to some arrangement with them. I am sorry that Sir John Simon is not a member of this illustrious House, as it would have been better if he were here to answer the charges and retort to the epithets which have been levelled against him behind his back. Sir, I can visualise Sir John Simon telling us, only he would have said it more incisively. "Your great men, your lawyers, your leaders appeared before us and they gave us the impression that you are fighting in this country like so many cats and dogs." (Hear, hear.) "They gave us to understand that the different communities in India were each anxious for the safety of their own interests: the Hindus put forward their point of view and pressed it vigorously before us; the Muhammadans also put forward their proposals and said they were very modest and were the least that they could accept; the depressed classes pleaded for their representation and suggested that they were afraid of oppression by the higher castes.

Then there is a constant war between the touchables and the untouchables, the Anglo-Indian puts forward his claims, the Sikhs their claims and rights. You have deliberately placed this picture before me, am I to blame if I accept your statements at their face value? I have no knowledge of the actual state of affairs prevailing in this country. You are the best exponents of it. And under these conditions do you expect that I shall recommend Dominion status, that I shall transfer the control of the Army to you? Do you expect that under the peculiar conditions prevailing in India I shall propose the transfer of the Police to you? I have done my best. I have given you the conception of a greater India comprising the Indian States, I have recommended Federal system of Government, and provincial autonomy for the provinces."

Well, Sir, this is the reason why Dominion status has not been recommended in the Simon Commission Report.

6-45 p.m.

Had we placed before Sir John Simon our united demands, had we been successful in our efforts to come to an arrangement between ourselves, then I have not the least doubt that those demands would have been accepted; and had they not been accepted you would have found all—Hindus and Muhammadans, congressmen and non-congressmen—combined together for the purpose of wresting these demands from the Britishers. But when you come before him and say that we distrust each other, that we have no confidence in each other, that we are afraid of each other, then it is futile for us to come forward and say that we must have Dominion status. To the Muhammadan Dominion status has no significance for him at all unless his position in the constitution is made clear. If Dominion status means that we will have a place in the comity of nations, then well and good; but if it means that one community will be in a position to tyrannise over another, possibly with the help of British bayonets, then the Muhammadan community would far rather not have anything to do with it, than be kept in a perpetual minority and be considered as slaves in a country of which, not long ago, he cherishes the memory of having been the ruler.

Now, Sir, if you really consider the suggestion which I throw out—indeed I have been expecting some such suggestion of compromise in vain to hear from my Hindu friends who plead for Dominion status so vigorously—if you really want Dominion status, then let us, before we go over to England, ourselves meet in a Round Table Conference and come to some agreement so that we can place before the Britishers at Home our united demand. So far as I remember, it has been conceded that the Round Table Conference will recommend to Parliament those demands in regard to which there was the greatest measure of unanimity.

Can we not come to such a measure of agreement before we go to England? We—not only Hindus and Muhammadans, but our British friends also, for I do not want to leave them outside the pale, because there is not the least doubt that they have got certain important interests in this country. (Hear, hear.) Yes, I do not say this because I wish to curry favour with them, but the fact remains that they have got certain vested interests which we cannot ignore. They are here, they have got the Army with them and consequently I have got to accept the situation as it stands; and in order that we may be able to get control over the Army for ourselves, we shall have to make terms with the Britishers. I believe that Britishers do not really care whether we get Dominion status, provincial autonomy or responsibility in the legislature or not. What they really want is that their trade rights must be kept secure, that there must not be any discriminatory legislation which may prevent them from trading on equal terms with Indians in India; and they further want that there shall be security of life and security of property. These are the things which must have actuated Sir John Simon to have recommended official Ministers in spite of his having declared for provincial autonomy, and to have kept the Army under the Viceroy and not to have given responsibility in the Central legislature. If you can assure our British friends that there will not be any discriminatory legislation against them, and that we are prepared to see that life and property are secure, then I think we can come to some arrangement among ourselves and we can get Dominion status to-morrow if we go to the Round Table Conference and present our demands; but, Sir, so long as there is distrust and suspicion which is sounded from a number of platforms, I think resolutions like these passed on the floor of the House are futile. I therefore throw out the suggestion that if you are really serious about it we Mussalmans are ready to extend the hand of fellowship to those who are willing to come to terms with them, you ought to hold a preliminary conference at which to arrive at an agreed measure. If you are willing to understand our view-point and concede that it is our desire as well to achieve freedom for India, if you give up your habit of calling us communal whenever we presume to speak of the rights of the Muhammadans, if you are prepared to be broad-minded and tolerant, then we have not the least doubt that the Dominion status for which we are all fighting will not be far away.

Adjournment.

The Council was then adjourned till 3 p.m., on Wednesday, the 20th August, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 20th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. FAROQUI (Minister), the Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E. (Minister) and 107 nominated and elected members.

Oath or affirmation.

The following made an oath of his allegiance to the Crown:—

Mr. R. H. Hutchings.

Starred Questions

(to which oral answers were given).

Case of Mr. Chakrapani Majumdar, a dismissed ministerial officer of the police office.

***100. Maulvi SYED JALALUDDIN HASHEMY:** (*a*) With reference to the reply given to clause (*c*) of starred question No. 122 at the Council meeting held on the 31st March, 1930, is the Hon'ble Member in charge of the Police Department aware that the rules laid down by Government, viz., rules 1109 and 1056, P.R.B., volume I, 1927, for departmental proceedings against ministerial officers of the Police Department, are not always observed?

(*b*) Is the Hon'ble Member aware that a feeling of insecurity exists amongst the ministerial branch of the police service because of this?

(*c*) Will the Hon'ble Member be pleased to state whether these rules were observed in dealing with the case of Mr. Chakrapani Majumdar, Accountant, Police Office, Jessore district, who was discharged without pension in resolution No. 218 Pl.—D., dated 26th March, 1922? If not, why not?

(*d*) Is the Hon'ble Member considering the desirability of taking any action in the matter?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) No.

(*b*) Does not arise.

(*c*) In 1922 his case was dealt with in revision by Government who did not find any irregularity in the proceedings.

(*d*) No.

Alleged assaults on Congress volunteers in the police lock-up at Lalbazar.

***101. Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that within the last month assaults have been made on the Congress volunteers in the police lock-up at Lalbazar which necessitated their removal to the Medical College Hospital where they gave the facts of the assaults to the officer in charge?

(*b*) Is the Hon'ble Member aware that this assault made them physically unfit to attend the court next day to answer charges against them?

(*c*) Is the Hon'ble Member aware that these volunteers instituted suits in the police court against the sergeants in the lock-up?

(*d*) Is the Hon'ble Member aware that these suits were dismissed on the ground that they could not identify the sergeants?

(*e*) Is the Hon'ble Member aware that the sergeants do not wear numbers on them?

(*f*) If so, are the Government considering the desirability of introducing this system to facilitate identification?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) It is not a fact that within the last month assaults were made on any Congress volunteers in the police lock-up at Lalbazar.

(*b*) This is not correct. Three men complained of assault and were detained in the Medical College for 24 hours for X-Ray examination only: they had no external injuries and the X-Ray in each case proved negative and they were discharged from the hospital.

(*c*) No suits were instituted; a complaint was lodged by the men under sections 325, 325/34, 120B which was dismissed under section 203, C. P. C.

(*d*) The complaint was dismissed by the Magistrate who saw no grounds for entertaining the same.

(*e*) All sergeants wear numbers on all occasions in uniform.

(*f*) Does not arise.

Primary education of women.

***102. Mr. S. M. BOSE:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the amount allotted for women's primary education in the budget each year from 1924-25 to 1929-30; and

(*ii*) the amount actually spent during these years?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) A statement showing approximately the amounts allotted for women's primary education during each of the years 1924-25 to 1929-30 is laid on the table.

(*ii*) The actuals of expenditure under the head during the years are not available.

Statement referred to in the reply to clause (i) of starred question No. 102.

Year.	Total amount allotted for women's primary education.
1924-25	... 5,24,041
1925-26	... 5,29,185
1926-27	... 5,30,502
1927-28	... 5,56,414
1928-29	... 5,45,762
1929-30	... 5,50,408

Mr. S. M. BOSE: Will the Hon'ble Minister be pleased to state with reference to answer (*ii*) why the actuals are not available?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It may be assumed that the full amount has been spent.

Mr. S. M. BOSE: Am I to understand that the actual expenses are not available at all?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is mixed up with the boys' education and it is difficult to bring that out separately.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state how it is that the items of budget are separate but the items for expenditure are combined?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: That is due to the present way in which accounts are kept.

Dacca riots.

*103. **Mr. B. C. CHATTERJEE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that some time before the recent troubles had begun at Dacca there was a clash between the Sankharies and the Moslems arising out of an assault on a ghariwalla on account of a Sankhari girl being run over by a hackney carriage?

(*b*) Is it a fact that there was a complete blockade of the Sankhari Bazar Road by the police for about 15 days?

(*c*) Is the Hon'ble Member aware that the Sankharies during the said period found it difficult to obtain supplies of food-stuffs from the market?

(*d*) Is it a fact that the leaders of the Sankhari community agreed to the terms of a compromise suggested by the District Magistrate?

(*e*) Is it also a fact that the Sankhari Bazar people agreed to the matter being referred to the Nawab of Dacca for arbitration as suggested subsequently by the District Magistrate?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state what was the result of the proposed compromise?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) No.

(*c*) A complaint was made to this effect, and immediate action was taken by the District Magistrate and the Nawab against the Muhammadans complained against.

(*d*) Yes.

(*e*) Yes.

(*f*) All the cases have been withdrawn and a compromise has been effected.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state how long the blockade continued?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I do not know.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state, with reference to answer 103 (*f*), whether the cases referred to were compromised before or after the recent Dacca riots?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know, but I will have an inquiry made.

Meeting of the Mussalmans of Dacca on the 18th May.

***104. Mr. B. C. CHATTERJEE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that a mass meeting of the Mussalmans of Dacca was held in the Ahsan Manzil on the 18th of May last under the presidency of Nawab Khwaja Habibullah with a view to uniting the two rival Moslem parties, e.g., the Anjuman and the Bais Panchayet; and

(*ii*) that inflammatory speeches tending to excite communal feeling against the Hindus were made in the meeting?

(*b*) Has the attention of the Hon'ble Member been drawn to a locally-published report giving an exhaustive account of the proceedings of the meeting?

(*c*) Is it a fact that the District Magistrate of Dacca was present at the meeting, shook hands with the Mahalla Sirdars, and expressed his approval of the speeches made there?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) No.

(*c*) The District Magistrate was present and shook hands with a few Muhammadan gentlemen. He expressed no approval of the speeches and no opinion at all.

Mr. B. C. CHATTERJEE: Will the Hon'ble Member be pleased to state, with reference to (*c*), whether it is at all usual for District Magistrates to attend gatherings of this description?

The Hon'ble Mr. W. D. R. PRENTICE: I am informed that in Dacca it is always done.

Mr. B. C. CHATTERJEE: Will the Hon'ble Member be pleased to state whether, in his opinion, such action on the part of the Magistrate is not rather at least indiscreet?

Mr. PRESIDENT: I am afraid the question is inadmissible.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether the District Magistrate delivered a speech on that occasion?

The Hon'ble Mr. W. D. R. PRENTICE: Not that I am aware of.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether Government approves of such action on the part of the District Magistrate?

The Hon'ble Mr. W. D. R. PRENTICE: I think any action taken to bring about peace in Dacca is approved of.

Dacca riots.

***105. Babu SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the number of—

(*1*) Hindus, and

(*2*) Muhammadans

who were wounded and died during the last riots within the municipal area of Dacca and its suburbs;

(*ii*) the amount of actual loss and damage sustained by the—

(*1*) Hindus, and

(*2*) Muhammadans

respectively as a result of the riots; and

(*iii*) the number of—

(*1*) Hindus, and

(*2*) Muhammadans

arrested in connection with the last riots?

(*b*) What steps and remedial measures do the Government propose to take to prevent the recurrence of such communal disturbances at Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) (*1*) Wounded 42; died 6.

(*2*) Wounded 25; died 8.

(*ii*) The loss and damage have been estimated at—

(*1*) Rs. 3,96,000 by Hindus.

(*2*) Rs. 33,000 by Muhammadans.

(*iii*) (*1*) Up to 12th June, 1930, 183.

(*2*) Up to 12th June, 1930, 303.

(*b*) The recommendations of the Dacca Enquiry Committee will be considered.

Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member be pleased to state whether the loss suffered by Hindus, viz., Rs. 3,96,000 includes the loss suffered by them at Rohitpur?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I do not know the details. I was only given the total figures.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state what action Government has taken to compensate the Hindus for the loss sustained by them in the course of the recent riots.

The Hon'ble Mr. W. D. R. PRENTICE: None.

Dacca town water-supply.

***106. Babu SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state why the dredging of the Dhaleswari and Buriganga rivers was abruptly discontinued in 1928?

(*b*) Is the Hon'ble Member aware of the difficulties of the water-supply in the town of Dacca owing to the gradual silting up of the river Buriganga near the intake of the Dacca Water Works?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Chuznavi): (*a*) The dredging of the Dhaleswari and Buriganga in 1926-27 was experimental. It was not repeated because the experiment was not successful.

(*b*) Yes. The difficulty is due to the accretion to the bank of the Buriganga at the intake of the Dacca Water Works.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that distinct improvements were noticed after the dredging operations were carried out in 1928-29?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: I have no information.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether the Steamer Company gave their opinion to the effect that distinct improvements were effected?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: We have not heard of it.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state what action is contemplated to be taken by Government in regard to the intake of the Dacca Water Works?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: The matter is not under consideration.

Damodar scheme.

***107. Babu PROFULLA KUMAR GUHA:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is in the contemplation of the Government to take up any new scheme regarding the river Damodar during the year 1930-31 save and except those already taken up?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the schemes and the amount involved therein?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: (*a*) No.

(*b*) Because no new scheme has been proposed.

(*c*) The question does not arise.

Bagzala canal.

*108. **Babu PROFULLA KUMAR CUHA:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that a canal known as Bagzala canal exist in Dum-Dum in the district of the 24-Parganas having its western end reduced to a drain;

(*ii*) that the said canal has no outfall and is on a higher level than the surrounding drains;

(*iii*) that sullage water of the Cossipore-Chitpur area of the Corporation of Calcutta, passing by Nicasi drains through the South Dum-Dum municipality, accumulates in the adjacent open fields and bustees for want of a proper outfall; and

(*iv*) that diseases break out every now and then in the surrounding localities?

(*b*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of excavating or otherwise improving the dead canal?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: (*a*) (*i*) to (*iii*) Yes.

(*iv*) Government have no information.

(*b*) The present condition of the Bagzala canal is ultimately due to the deterioration of the Bidyadhari river. Until the problem of the outfall of Calcutta drainage has been solved, it would be useless to re-excavate or improve the Bagzala canal.

Bengal Civil Service, promotion of.

*109. **Mr. MUKUNDA BEHARY MULLICK:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state what are the posts in the superior services besides those of the District Magistrates and Collectors to which members of the Bengal Civil Service are promoted from time to time?

(*b*) What are the considerations generally kept in view in making these appointments?

(*c*) Is there any time-limit for which one particular officer is to hold any such appointment?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what is the period; and

(*ii*) whether there has been any deviation from this rule?

(*e*) If the answer to (*d*) is in the affirmative, what are the reasons for such deviation?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Members of the Bengal Civil Service promoted to listed posts are eligible, with members of the Indian Civil Service, on their merits for all posts in the Civil Service cadres, other than posts in the High Court, reserved for members of the Indian Civil Service under section 101 (*4*) of the Government of India Act.

(*b*) Merit combined with seniority when other things are equal.

(*c*) Yes, in some cases.

(*d*) (*i*) For a member of the Executive Council five years, and for a Secretary to Government other than the Chief Secretary three years.

(*ii*) No.

(*e*) This does not arise.

Dacca riots.

*110. **Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing separately the number of persons—

(*1*) Hindus,

(*2*) Muhammadans, and

(*3*) persons of other nationalities, killed and seriously wounded during the recent Dacca riots?

The Hon'ble Mr. W. D. R. PRENTICE: (*1*) 6 Hindus killed: 42 seriously injured.

(*2*) 8 Muhammadans killed: 25 seriously injured.

(*3*) 2 of unknown caste were killed: none injured.

(The figures of killed are those known to the police, of injured those who were treated in hospital.)

Unstarred Questions

(answers to which were laid on the table).

Dacca riots.

131. Mr. ANANDA MOHAN PODDAR: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that during the last riots at Dacca guns were taken away by the police when blank shots were fired in self-defence to scare away the hooligans and also to prevent mischief being done to private houses and properties of the neighbours of such gun-owners?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the number of guns seized in May and June, 1930;

(*ii*) the names of license holders; and

(*iii*) the reasons for seizing each gun separately in the city of Dacca?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No. Five guns were taken away from persons who fired their weapons without any justification.

(*b*) The member is referred to the answers given in reply to starred question No. 91.

Government are not prepared to give the names of the gentlemen concerned.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that the Superintendent of Police in his statement made before the official enquiry committee stated that more than 10 guns out of 410 possessed by Hindus were seized during the riots?

The Hon'ble Mr. W. D. R. PRENTICE: As I have already said, I have not yet seen the report of the official enquiry committee.

Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member be pleased to state, where and under what circumstances, the gun owners, in the consideration of the authorities, would be justified in firing blank shots?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot answer that question.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether any guns were seized where blank shots were not fired?

The Hon'ble Mr. W. D. R. PRENTICE: Not so far as I am aware.

High English Schools with primary classes.

132. Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing at present—

(*i*) the total number of High English Schools in Bengal with primary classes attached to them;

(*ii*) the average percentage of pupils of the primary classes of High Schools who pass on to the higher classes; and

(*iii*) the average percentage of pupils in separate primary schools who join the High Schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) 1,054.

(*ii*) 61.

(*iii*) 6.

The percentage figures given under (*ii*) and (*iii*) are only approximate.

Prisoner Maulvi Abdul Aziz.

133. Maulvi SYED JALALUDDIN HASHEMY: (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware—

(*i*) that one Maulvi Abdul Aziz, a prisoner, was beaten by the warders; and

(*ii*) that his holy Quoran was thrown away?

(*b*) Is it a fact that some non-official visitors of the jail demanded a public inquiry but the Magistrate did not agree to it?

(*c*) Are the Government considering the desirability of holding an inquiry into the matter?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) On the morning of 17th June, 1930, a number of prisoners, excited by the appearance of a

procession outside the jail, became turbulent and refused to be locked up when the "Alarm" was sounded, with the result that force had to be used, and was correctly used to lock them up. Among these prisoners was Abdul Aziz who subsequently complained that he had received injuries for which reason he was removed to hospital for observation. On the 19th June this prisoner complained to a non-official visitor who visited him in hospital that he had received injuries due to being beaten by some warders. The non-official visitor reported that he examined the prisoner for injuries but "could not find anything in particular except in one place." The medical officer in charge of the jail reported that the prisoner had no marks of injury on him and that his temperature, pulse and respiration were normal.

As regards the allegation that his Quoran was thrown away, the prisoner was visited by two Muhammadan non-official visitors, on June 19th by Maulvi Kaji Saifuddin and on July 5th by the member who is asking this question. The non-official visitor who saw him on the 19th of June records that the prisoner complained that he received his injuries while reading the "Punjsura." The non-official visitor, the member asking this question, who visited him on the 5th of July, 1930, is the first to record a complaint from the prisoner that in the course of the struggle at the doors of the ward his "Punjsura" was thrown away. The complaint is denied by the jail staff and has not been substantiated.

(*b*) One non-official visitor suggested in an inspection report that immediate inquiry be made into the allegations and a fortnight later another non-official visitor, the member himself, suggested an inquiry by a mixed commission of officials and non-officials. The facts having been already ascertained and reported by the District Magistrate and the Superintendent of the Jail no further inquiry was considered necessary.

(*c*) No.

Rent-free quarters to the headmasters of improved type guru-training schools.

124. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact that administrative sanction was accorded in 1926 to the provision of rent-free quarters to the headmasters of improved type guru-training schools of this Presidency?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state how many such schools have been so provided in each of the five divisions since the above sanction was accorded?

(*c*) Will the Hon'ble Minister be pleased to state the total number of the improved type guru-training schools in Bengal, division by division?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of paying house allowance to such headmasters as have not been provided with free quarters?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) In 1926 Government decided that where headmasters' quarters were provided in connection with improved type guru-training schools, they should be occupied rent-free.

(*b*) Since 1926 three improved type guru-training schools with headmasters' quarters have been built at Jessore, Khulna and Howrah. In addition headmasters' quarters have been built for the existing improved type school in Tippera.

(*c*) The numbers are—

(*1*) Presidency	...	4
(*2*) Burdwan	...	5
(*3*) Dacca	...	6
(*4*) Rajshahi	...	11
(*5*) Chittagong	...	4
Total	...	30

(*d*) No. Headmasters are allowed the privilege of occupying quarters rent-free when they are required to live in particular quarters in order to carry out the work of hostel supervision more effectively. The fact that such quarters are not provided does not establish a claim for house allowance.

Muhammadan students in the various educational institutions in Calcutta.

135. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the present number of Muhammadan students in the various educational institutions in Calcutta?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 135.

Number of Muhammadan students in the various institutions in Calcutta on 31st March, 1930, was as follows:—

Arts and Science Colleges	...	810
David Hare Training College	...	15
Law Colleges	...	556
High Schools	...	2,518
Middle Schools	...	1,057
Primary Schools	...	15,813
Special Schools	...	2,319
Private Schools	...	2,375
Department of Post-graduate in Arts, Calcutta University	...	70*
Department of Post-graduate in Science, Calcutta University	...	6

*This figure is for the year 1928-29 as the figure for the year 1929-30 has not yet been received.

Senior Professor of History in the Presidency College.

138. Mr. SYAMAPROSAD MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether Mr. K. Zachariah, M.A. (OXON), who was Senior Professor of History in the Presidency College, has been transferred to the Hooghly College as its Principal?

(*b*) What steps have been or are being taken to appoint his successor in the Presidency College?

(*c*) Is the Hon'ble Minister aware that the new incumbent will be required to do the Honours work as also the post-graduate work in History.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) The question of the appointment of his successor in the Presidency College is under consideration.

(*c*) Yes.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether the Professor is fully qualified to take up both the Honours and Pass classes?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I think so; it goes without saying.

Professors, Presidency College, engaged for private tuition work.

137. Mr. SYAMAPROSAD MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether the service rules of the Education Department require that the permission of the Principal of the college has to be obtained before an officer belonging to the education service and working in that college is allowed to take up private tuition work; and

(*ii*) whether it is a fact that there are professors at present in the Presidency College who are or have been engaged in doing private tuition work?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the names of such professors;

(*ii*) the number of private tuition engagements done by each during the sessions 1928-29, 1929-30 and 1930-31; and

(*iii*) which of them had or had not on different occasions taken the previous permission of the Principal of the college?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) Yes.

(*b*) (*i*) (1) Professor P. C. Ghosh, (2) Professor N. C. Ghosh, (3) Professor C. C. Bhattacharyya, (4) Professor S. M. Banerjee.

(*ii*) 1928-29—

Professor P. C. Ghosh (one).

Professor C. C. Bhattacharyya (one).

1929-30—

Professor N. C. Ghosh (one).

1930-31—

Professor S. M. Banerji (one).

(*iii*) All of them had permission.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether the name under (*b*) (*i*) (*4*) is correctly printed—I think it should be S. K. Banarji?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I think it is correctly printed. There may be a mistake. I am not positive about it.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether the list is exhaustive?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state if he is prepared to make a further inquiry into the matter on further information being supplied to him?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Alaipur khal scheme.

138. Babu SUK LAL NAG: (*a*) Has the attention of the Hon'ble Member in charge of the Irrigation Department been drawn to the report of the Hopkyns Committee, 1930, paragraph 70, strongly recommending the early reopening of the Alaipur khal in the district of Khulna as the concern is reported to yield an income of 8 per cent. on the outlay.

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps do the Government intend to take to carry out the scheme?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) The scheme has been included in the 5 years' programme of schemes to be financed from loans forwarded to the Government of India, but the prospect of money being available is remote.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether Government is considering the report of the Hopkyns Committee of 1930?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Government is considering the report.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state as to how long Government would take to consider the report of about 15 pages?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I am afraid the report does not entail merely going through 15 pages but a good deal more than that. There are various departments of Government as well as outside bodies to be consulted.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether Government will take a year's time or a century's time to consider the report?

Mr. PRESIDENT: I cannot allow that question.

Settlement in Khulna district.

139. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement relating to the last settlement of the Khulna district on the following heads:—

(*i*) the total cost of the Government for the settlement of the Khulna district;

(*ii*) the sum realised separately from zamindars, tenure-holders and raiyats for the cost of the settlement;

(*iii*) the sum, if any, still unrealised; and

(*iv*) the total gain or loss in the matter?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*i*) Rs. 22,33,686.

(*ii*) Recoveries from landlords and tenants amounted to Rs. 16,06,535. As the recovery accounts maintained are not kept separately for zamindars, tenure-holders and raiyats, actual sums realised from each class cannot be ascertained.

(*iii*) A sum of Rs. 20,909 was outstanding when the district settlement came to a close. Attempts are now being made to realise the amounts by certificates.

(*iv*) It is not clear what is meant by "gain or loss."

Plying of "salti dongas" in Magrahat khal.

140. Mr. A. P. M. ABDUR RAHMAN: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the people of Magrahat within the district of the 24-Parganas are to pay license fees for the whole year for the *salti dongas* (small boats) that ply in the khal?

(*b*) Is the Hon'ble Member aware that they can ply only for half year?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state to what this is due and what steps, if any, he proposes to take in the matter?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) No. Licenses can also be taken out for periods of three and six months.

(*b*) Not as a rule.

(*c*) In some places there has been silting up; but as silted channels are periodically cleared, no special measures are required.

Number of students receiving education in schools and colleges.

141. MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the total number of students receiving education in—

(*a*) schools,

(*b*) colleges and universities, and

(*c*) night schools and similar workmen's institutions of this province

during the years 1918-20 and 1929-30?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A statement giving the information as far as available is laid on the table.

Statement referred to in the reply to unstarred question No. 141.

Year.	Total number of scholars receiving education in		
	Schools.	Colleges and Universities.	Night and workmen's schools.
1918-19	1,882,466	25,604	23,264
1919-20	1,903,242	26,521	24,145
1929-30	Figures are not at present available.		

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state how many of these girls take education in different schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Nawabzada Khwaja Nasarulla.

142. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the Nawabzada Khwaja Nasarulla, brother of the present Nawab of Dacca, wears khaki dress such as is worn by high police officers?

(*b*) Is it also a fact that he frequently accompanies the European police officers of Dacca?

(*c*) Is it a fact that he went about with the police officers to make house searches and arrests in connection with the recent Dacca riots as well as during the communal disturbances which took place in 1926 and in January, 1930?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state why the said Nawabzada is allowed to arrogate to himself the duties of a police officer?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) He wears khaki shorts and a khaki shirt when on duty as a special constable.

(*b*) Yes.

(*c*) Yes.

(*d*) As a special constable he carries out the duties of a special constable.

Nawab of Dacca and appointment of special constables during Dacca riots.

143. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether Government are aware that among the Hindus there is a strong feeling of resentment and distrust in regard to the *bona fides* of the local authorities on account of the fact that the Nawab of Dacca in whose name plunder and arson were being committed by the Moslem rowdies was allowed to perform the duties of high police officers?

(*b*) Is it a fact that the Nawab and his brother Nawabzada Khwaja Nasarulla frequently accompanied the European Government officers of Dacca during the riots and arrested people just like police officers of high rank and at their instance released Moslem rioters arrested by the police officers?

(*c*) Is it a fact that in several cases bail petitions were submitted through the Nawab and with his recommendations?

(*d*) Is it a fact that no Hindu, however respectable and loyal, was allowed to perform the same functions, namely, accompanying police officers, affecting arrests and recommending bail?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The Nawab of Dacca did not perform the duties of high police officers. Government have seen allegations that distrust was caused because the Nawab assisted the local authorities.

(*b*) They were appointed special constables along with many other gentlemen and performed the duties of a special constable.

(*c*) No.

(*d*) No. Any respectable Hindu who volunteered was enrolled as a special constable, and nine actually served as such.

Late Babu Krishna Kumar Roy of Jangalia.

144. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the late Babu Krishna Kumar Roy of Jangalia in Kishoreganj continued to offer resistance to the huge crowd of Muhammadan looters who attacked his house on 12th July for about four hours before he with his family fell victims to the fury of the looters?

(*b*) Will the Hon'ble Member be pleased to state whether any information during this long continued fight was conveyed to the police station or to the subdivisional authorities by the dafadars, chaukidars or the president of the union board? If not, why not?

(*c*) How far off are the police station and the subdivisional courts from Jangalia village?

(*d*) If the answer to (*b*) is in the negative, what action has been taken against the dafadars, chaukidars and union board authorities for their failure of duty?

(*e*) Did the police get any information while the fight was going on from any other source?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Member be pleased to state whether the police proceeded to the spot? If not, why not?

(*g*) How far off are Pakundia and Husseinpur police-stations from Jangalia?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) So far as is known he resisted the rioters for about three hours.

(*b*) No.

Babu Krishna Kumar Roy was himself the president of the union board. The chaukidars and dafadars were intimidated into keeping away from the police station.

(*c*) Police-station Pakundia is three miles and the subdivisional courts are 13 miles from Jangalia.

(*d*) None, as no intentional failure of duty on the part of these officers has so far revealed.

(*e*) No.

(*f*) Does not arise.

(*g*) Each is about three miles from Jangalia.

Mr. SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if any complaints were lodged by chaukidars and daffadars against those who intimidated them or prevented them from going to the police station?

The Hon'ble Mr. W. D. R. PRENTICE: Not so far as I am aware.

Kishoreganj disturbances.

145. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) how many villages in the Kishoreganj subdivision were subjected to looting and plunder on Saturday, the 12th July;

(*ii*) what was the area covered by them; and

(*iii*) the number of thanas affected?

(*b*) Is it a fact that a conspiracy was being hatched from some time before?

(*c*) Did the police get any scent of such a widespread conspiracy?

(*d*) Did the district authorities get any report from the police of the apprehended outbreak?

(*e*) If so, how long before?

(*f*) If the answers to (*d*) and (*e*) are in the affirmative, will the Hon'ble Member be pleased to state whether any arrangement was made for reinforcing the police force of the affected areas to meet the situation that might arise?

(*g*) Is it a fact that in some of the thanas some Maulvis were holding meetings and preaching non-payment of interests, debts and other dues?

(*h*) Is it a fact that some Maulvis and other Muhammadans from Dacca and Bhowal were preaching to the Muhammadans of various places in the subdivision that the Government had permitted the looting of the Hindus by the Muhammadans for 13 days?

(*i*) If the answers to (*g*) and (*h*) are in the affirmative, will the Hon'ble Member be pleased to state whether any attempt was made by the local police to suppress these preachings and activities?

(*j*) Will the Hon'ble Member be pleased to state whether it is a fact that Muhammadan preachers have poured into Eastern Mymensingh from Dacca and Bhowal and that some of these suspicious characters and preachers have been caught and made over to the police?

(*k*) If the answer to (*j*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) how they are being dealt with; and

(*ii*) whether any attempt is being made to stop the inflow of these mischief makers from outside?

(*l*) Will the Hon'ble Member be pleased to state what steps, if any, the Government contemplate adopting to prevent such dangerous propaganda and preaching among the illiterate and credulous population of the district in future?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Five.

(*ii*) About 15 square miles.

(*iii*) One, Pakundia.

(*b*) to (*e*) Nothing happened to indicate that the disturbances were about to occur. A meeting of Muhammadans was held on July 7th and it condemned the payment of interest to money-lenders. Inquiries were being held when the disturbances broke out.

(*f*) Does not arise.

(*g*), (*h*) and (*i*) Information to this effect was received after the occurrence.

(*j*) Most of the agitators came from outside. There were also some local men most of whom have been arrested.

(*k*) (*i*) They will be dealt with according to law.

(*ii*) The influx has ceased.

(*l*) It is hoped that the prompt suppression of the movement and the prosecution of the mischief-mongers will prevent further propaganda.

Kishoreganj riots.

146. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing up till now in connection with the recent Kishoreganj riots—

(*i*) how many cases have been started on information to police; and

(*ii*) how many by petition in court?

(*b*) Is the Hon'ble Member aware that in many places within the disturbed area Hindu villagers whose houses and properties have been looted, are being threatened by their Muhammadan neighbours with dire consequences if they would institute cases or proceed with cases already instituted or adduce evidence in them?

(*c*) Is it a fact that cases have not yet been started or information lodged in all cases of loot or arson?

(*d*) Is the Hon'ble Member aware—

(*i*) that the looting and riot were committed almost in all cases during broad daylight;

(*ii*) that the looters were all local men; and

(*iii*) that identification of the accused would be easy if cases were started in all cases?

(*e*) Will the Hon'ble Member be pleased to state what protection do the Government intend to provide to those who are being threatened against starting or proceeding with cases by Muhammadan rioters or their friends and relations?

(*f*) Are the police forces at present available in the thanas within the affected area adequate for the purpose of affording protection in all cases?

(*g*) If the answer to (*f*) is in the negative, are the Government considering the desirability of placing additional police force in the affected areas for such protection in the interests of law and justice?

(*h*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the total estimated number of people who took part in those lootings within the subdivision of Kishoreganj;

(*ii*) the number of persons so far arrested;

(*iii*) the total value of the looted properties;

(*iv*) the number of houses so far searched; and

(*v*) the total value of the properties recovered?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) 128.

(*ii*) None.

(*b*) Only one case of this nature has come to the notice of the authorities.

(*c*) Separate first information reports have not been registered for all complaints but all complaints are being investigated in connection with the first information report of the earliest information received for the same village. Information of all cases of loot or arson has since been lodged.

(*d*) (*i*) Yes.

(*ii*) Yes, so far as has been ascertained.

(*iii*) Vide answer to (*c*) above.

(*e*) Patrols were instituted in the area from which information referred to in (*b*) above was received.

(*f*) Yes.

(*g*) Does not arise.

(*h*) (*i*) About 6,000.

(*ii*) 183 persons had been arrested up to August 8th.

(*iii*) The reported value is Rs. 4,01,666. This does not include documents.

(*iv*) and (*v*) Figures are not yet available. Investigation is still proceeding.

Ahsanullah School of Engineering, Dacca.

147. Rai Sahib REBATI MOHAN SARKER: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the six permanent incumbents in the staff of the Ahsanullah School of Engineering, Dacca, being junior members, have to work under the senior members even now?

(*b*) Is it a fact that the Governing body of the school—

(*i*) adopted a resolution in 1926 protesting against this; and

(*ii*) recommended that the senior members of the staff also should be made permanent?

(*c*) Is the Hon'ble Minister aware that the senior members of the staff have as much satisfactory service at their back as the juniors have?

(*d*) Is it a fact that six posts in the mistry staff of the said school have been made permanent through mistakes?

(*e*) What steps has the Hon'ble Minister taken for the amelioration of the condition of service of employees in the said school?

(*f*) Will the Hon'ble Minister lay on the table all correspondence that passed between the Government and the school authorities bearing on this subject?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes. Six permanent mistries being junior members have to work under the head mistries who are senior and experienced members of the workshop mistry staff.

(*b*) (*i*) No.

(*ii*) Yes; but their posts have not been made permanent, the policy of Government being to keep the workshop staff of mistries on a temporary basis and to replace the existing permanent posts by temporary ones as they fall vacant.

(*c*) Yes.

(*d*) No.

(*e*) Government have recently given administrative approval to increased scales of pay of mistries and menials employed in the workshop of the school.

(*f*) Government are not prepared to publish correspondence on this subject between the school authorities and the Director of Public Instruction.

Dacca riots.

148. Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*1*) the number of deaths by violence of Hindus and Muhammadans of Dacca, respectively;

(*2*) the number of cases of incendiarism on houses, shops and buildings of Hindus and Muhammadans, respectively;

(*3*) the number of cases of grievous hurt to Hindus and Muhammadans, respectively;

(*4*) the number of houses pillaged of Hindus and Muhammadans, respectively;

(*5*) the number of Hindus and Muhammadans, respectively, arrested on account of offences connected with the disturbances; and

(*6*) the estimated value of the property of Hindus and Muhammadans, respectively, lost or destroyed, during the disturbances at Dacca?

The Hon'ble Mr. W. D. R. PRENTICE:

(*1*)	Hindus	... 6
	Muhammadans	... 8
(*2*)	Hindus	... 85
	Muhammadans	... 38
(*3*)	Hindus	... 42
	Muhammadans	... 25
(*4*)	Hindus	... 174
	Muhammadans	... 72

(*5*) Up to 12th June, 1930, 183 Hindus and 303 Muhammadans had been arrested.

(*6*) Hindus, Rs. 3,96,000; Muhammadans, Rs. 33,000.

House searches in connection with Kishoreganj riots.

149. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that during the house searches in connection with the Kishoreganj riots, the police were accompanied by a number of Hindu volunteers, particularly during the house searches of the following houses:—

(*i*) in the village of Husandi-Uttarpara, police-station Pakundia, the houses of Syed Ali Shaikh, Ejjat Shaikh, some twenty-one houses in all; and

(*ii*) in the village of Kaphaia near Aman Sarkar's Bazar, police-station Hosainpur, the house of Zahiruddin Munshi?

The Hon'ble Mr. W. D. R. PRENTICE: Some Hindu complainants accompanied police parties during searches for the purpose of identification, but there was no house search by the police in the houses mentioned in the question.

Kishoreganj riots.

150. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the Subdivisional Officer of Kishoreganj was forced to flee and the Circle Officer, Babu Birendra Chandra Biswas, was assaulted by the rioters during the recent riots?

(*b*) Is it a fact that it was announced in the affected areas that during "The fourteen days' Swaraj" no offence or violence would be taken notice of?

(*c*) Is it a fact that most of the money-lenders willingly handed over their documents to the debtors to rescue their houses and property from the rioters?

(*d*) Is it a fact that some of the rioters expressed in their dying declaration that it was because of their faith that they did not do anything against the Government?

(*e*) Is it a fact that there was only one police officer in Pakundia thana while the Pakundia Bazar was looted?

(*f*) Is it a fact that the Hindu volunteers threatened the rustic villagers by firing and beating?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The Subdivisional Officer on one occasion retired with 14 prisoners whom he had arrested to prevent their release. The Circle Officer, Babu Birendra Kishore Kar, was assaulted.

(*b*) Certain agitators are reported to have spread this rumour.

(*c*) Many handed over the documents.

(*d*) The dying words of one man who was shot showed that he thought that he was on the side of Government.

(*e*) and (*f*) Government have no information.

Kishoreganj riots.

151. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether the Government have got any report regarding the Kishoreganj riots in the district of Mymensingh?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing from the 11th to 14th July—

(*i*) how many houses were affected during the recent riot in the police-stations of—

(*1*) Pakundia, and

(*2*) Hossainpur;

(*ii*) how many of them belong to the Hindus; and

(*iii*) how many to the Mussalmans?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) (*i*) The number of houses affected (looted) from the 11th to 14th July is—

(*1*) 653 houses and shops in Pakundia police-station.

(*2*) 370 houses and shops in Hossainpur police-station.

(*ii*) 652 of these houses and shops in Pakundia police-station and 365 in Hossainpur police-station (total 1,017) belong to Hindus.

(*iii*) One of these houses in Pakundia police-station and 5 in Hossainpur police-station (total 6) belong to Muhammadans.

NON-OFFICIAL MEMBERS' BUSINESS.

Resolutions on matters of general public interest.

[The discussion on the resolutions regarding establishment of full responsible Government in the provinces and Round Table Conference were then resumed.]

Khan Bahadur Maulvi AZIZUL HAQUE: May I have your permission, Sir, to move a short-notice amendment to the resolution moved by Rai Bahadur Kamini Kumar Das which is now under discussion in this House?

Mr. PRESIDENT: What is your amendment?

Khan Bahadur Maulvi AZIZUL HAQUE: My friend has moved a resolution as regards full responsible Government in the provinces and the Central Government. I beg to move a short-notice amendment that the words "with proper safeguards for the Moslem and other minority interests" be inserted after the words "Central Government."

Mr. PRESIDENT: I cannot permit you to do so if there is any objection.

There being no objection, permission was granted to Khan Bahadur Maulvi Azizul Haque to move his amendment.

Khan Bahadur Maulvi AZIZUL HAQUE: The motion, as proposed to be amended by me, runs as follows:—

"This Council recommends to the Government to communicate to His Majesty's Government in England, through the Government of

India, that in the opinion of this Council full responsible Government in the provinces as well as in the Central Government, *with proper safeguards for the Moslem and other minority interests*, should be established without delay so that India may be placed in the same status as the self-governing dominions of the British Commonwealth."

Sir, there is no denying the fact that we are now in a state of evolution, when greater rights are being demanded from all sides. I do not think it is proper for the Muhammadan or any other community to stand in the way of getting further rights in this evolution. That being so, it is also desirable that we should frankly place our case before the people as well as the Government so that the real position may be understood that the Muhammadan community is not standing in the way of further rights being given to India. We desire, Sir, that so far as the Moslem and minority interests are concerned, proper safeguards should be provided for in any scheme that may be evolved for the future constitution of India. It may be interesting to this House to know that sometime ago, on the motion of Sir Abdur Rahim, a decision was made on almost the same lines, and it is really to give effect to this point of view that I move this amendment. At the same time I feel that it is as much non-contentious as possible, as we do not say what will be the nature or details of these rights; but we are certainly agreed on this point that, whatever may be the future constitution of India, it should provide proper safeguards to all interests of minorities, especially the Moslem interests. With this explanation on behalf of the Proja Party, I move the amendment. We think that necessity of providing safeguards is so important to the scheme of future constitution that in deciding the matter, we must not lose sight of the fact I have mentioned.

Mr. SHANTI SHEKHARESWAR ROY: Sir, I shall confine my remarks to the Round Table Conference. It is rather late in the day for anyone to question the necessity of holding the Round Table Conference, but I must confess that from what has been hitherto published in the Press and what is common knowledge it is really difficult to fix the purpose for which the conference is to be held and that in London. The Simon Commission was appointed on the assumption that it was the business of the British Parliament to enquire into the result of the working of the Reforms and then decide upon the next step. This representative committee of both Houses of Parliament has gone into the question as thoroughly as the circumstances would allow and naturally decision will be taken on the basis of its report. If it is expected that the proposed conference will be helpful in filling up any gaps such an expectation is doomed to failure. The leaders of the Indian National Congress will continue to abstain. The [illegible]

participate in any conference outside India. Then why all this bother? Why this huge waste of money? If, however, the decision to hold the conference is due to the realisation of the fact that the appointment of the Simon Commission was not the right thing to do in an effort to meet Indian aspirations, then and then only the conference can serve any useful purpose.

Sir, it is proposed to select the personnel of the conference by nomination. This method is likely to deprive the conference of all vestige of representative character. If His Excellency the Viceroy is anxious to ascertain the sense of the country, he can do so in a more effective way by convening a conference of all non-official members of the provincial and central legislatures in India, and any decision taken at such a conference will carry greater weight than any pact made by a few big guns without any following in the country sitting at conference in London. There is a large section of the people of India—I refer to the politically backward class—the Varnashramis who are at a great disadvantage in this matter, and I take this opportunity to press on their behalf that a preliminary Round Table Conference should be held in India in the first instance with a view to examine the points of difference and elect accredited representatives to London, if necessary.

Mr. ANANDA MOHAN PODDAR: Mr. President, the resolution moved by my hon'ble friend Mr. S. M. Bose yesterday resolves itself into two demands—Firstly, that the representatives to the Round Table Conference from Bengal be elected by this Council, and secondly, that the conference be held on the basis of the immediate establishment of full Dominion status for India, which implies not only provincial autonomy but also full responsible government in the Central Legislature.

Regarding the second portion of the resolution, there is no difference of opinion among those who are not swayed away by communal considerations or influenced by self-ambition. It was the demand that Mahatma Gandhi and Pandit Motilal Nehru pressed as the condition, on which the Congress may be induced, to agree to join the conference. And it is the demand that has been made from every platform in the country that counts. It should be the pivot of the discussions of the conference, if its decision is to bring peace to my distracted country. Those who have taken the trouble of examining the negotiations which at last saved Ireland from continued struggle, need not be told that those negotiations were carried on with an object in view.

Why cannot some assurance be given to us? The assurance that the Round Table Conference will discuss the ways and means of granting India Dominion status. If the conference is to be held to

arrive at a decision and not to end in barren discussions, it is absolutely necessary that it should meet on the basis of the immediate establishment of full Dominion status for India.

Sir, regarding the first point that the delegates to the conference from Bengal should be elected by this Council, I would have added that they should be elected by the elected members only, as the nominated members are an anomaly in a democratic body.

It is no use disguising the fact that already disgraceful combines and conversions are in progress to secure nominations to the conference and busy nobodies are shouting and touting for favour in the highways and by-paths of officialdom. Let this Council elect the representatives and the chance of undesirable men being sent to the conference will be minimised.

Sir, one word to the members of the party to which the mover of the resolution belongs and I am done. I hope, if this demand is rejected by the Government, they will definitely pronounce the policy they will hereafter follow and take no part in the conference which they cannot do consistently with their self-respect.

3-30 p.m.

MUNINDRA DEB RAI MAHASAI: Sir, at the outset, let me congratulate His Majesty's Government in Great Britain for the courage it has shown in recognising the great principle that it is the sons of the soil who should be called upon to determine the framework of the constitution under which they are to be placed. The recognition of this great principle of self-determination had been the keynote of our political agitation in the past; and, Sir, it is because we realised that the appointment of the Simon Commission, from which all Indians were excluded, constituted a direct challenge to that cherished principle that we stubbornly refused to have anything to do with it. It is gratifying to note, Sir, that wisdom had at last dawned on the powers that be, and the folly of 1928 stands corrected to-day. His Majesty's Government has now recognised that the only way of arriving at a satisfactory solution of this constitutional problem is to invite leaders of Indian opinion to sit across a table with leaders of British opinion—for it is only when these two sets of people agree to put their heads together, without any mental reservation, that a real solution is possible.

In the second place, let me offer an additional congratulation to His Majesty's Government, that the terms of reference of this proposed Round Table Conference is not unduly restricted to the consideration of the recommendations of the Simon Commission alone. Had any such decision been taken, had the terms of reference been restricted merely to the consideration of the recommendations of the Simon Commission, had, Sir, the freedom of the Round Table Conference been hampered

and handicapped in the way short-sighted statesmanship in England was demanding, the Round Table Conference, I make bold to predict, would be as barren of consequences, as the labour of the Simon Commission has proved to be. Sir, we value this Round Table Conference because it involves a recognition, on the part of Great Britain, of India's right of determining her own destiny and if, Sir, you dictate to that conference the limit within which to confine its deliberation, then I say, you take away by your left hand what you have conceded by the right. That would have been a political dishonesty, a grave breach of faith on the part of His Majesty's Government which, instead of bringing about a rapprochement, would have tended to accentuate the already existing difference between the rulers and the ruled. By refusing to yield to the pressure of the reactionaries who insisted that the Round Table Conference should be limited to the consideration of the Simon Commission Report itself, Mr. Ramsay Macdonald's Government has displayed courage, political honesty and far-sighted statesmanship.

Sir, there are obvious and weighty objections in making the Simon Report the basis of discussion in the London Conference. In the first place, these Commissioners were boycotted by all shades of Indian political opinion—for not merely the National Congress but also the Liberals and advanced Muhammadan opinion refused to have anything to do with the Commission. Thus shut out from the opinion of political India—these seven English gentlemen who (let me concede) hitherto kept an open mind on the Indian question—were fed with the evidences of officials, Europeans and other political nondescripts, about whose public services, the less said the better. However great, however intelligent and at the beginning however unbiased they might have been, after all they are only human beings, and no human being can help being prejudiced if one side of the case is continually dinned into his ear. It is hardly to be wondered, therefore, that you find in the Report nothing but reactionary recommendations—a summing up of all the plausible arguments against self-government in India. No doubt it is couched in very fine language—you will find there a good deal of lip-service to liberty and democracy but the mailed fist is there, though under cover of velvet gloves. Rightly has Dr. Beasant declaimed that Sir John Simon has put his hat off to liberty, but stabbed her in the back.

Sir, as I have already pointed out that all the leading political parties in India refused to appear before the all-white Commission in the rôle of petitioners, and left it at the complete mercy of the official world and their satellites. But India is not barren of statesmen—destructive criticism is not our only "forte"—we have in our country a multitude of statesmen who can bear comparison with the leading statesmen of other free and advanced countries of the world. These trusted leaders, these responsible statesmen, realised that if we want to

vindicate ourselves before the bar of world opinion, they must give a lead to the country by framing a constitution that would be generally acceptable to all. This, Sir, is the genesis of the All-Parties' Conference —which appointed a small committee to frame a constitution for India, with Pundit Moti Lal Nehru as President, and among others Sir Tej Bahadur Sapru and Sir Ali Imam—both ex-members of the Viceroy's Executive Council, as members. That committee has produced its report—a monumental report—a living answer to the contentions of those erstwhile critics of ours, who are apt to say that India is barren of constructive statesmanship. Sir, I am aware that all the recommendations of that committee have not been universally accepted by all shades of political opinion—as such an unanimity is nowhere to be expected in this world—I concede, Sir, that narrow communalism has not as yet been able to assimilate the liberal recommendations contained therein—and finally I am equally aware that European vested interest has condemned the report as of necessity they must—the report being the product of a set of people whose political incapacity is an article of faith, or if you please, Sir, a tenet of their political prejudice. But knowing all these things, I am here to say before the world, that though some of the recommendations are repudiated by particular sections of the people, the report in its essentials has been generally accepted by political India —or, to be more modest, at least the report has received more assent than the Report of the Simon Commission could ever command. Sir, everybody in India who is anybody has condemned the Simon Report as being wholly unacceptable- as being based on hypotheses that are themselves baseless, as being founded on facts which are assumed to be self-evident, but which must be proved to the hilt before they can serve as the basis of political generalisation, and as containing the goal of Dominion status, which is apt to recede the more you try to get at it, so that our sons and grandsons and great grandsons will find the distance that separate them from the goal as great as we are finding to-day and will find the ideal as unrealisable and illusory decades—yea centuries hence—as it is to us of the present generation. Therefore, I say to all those who style themselves as political realists—give us something real to live on—for God's sake spare us these unrealisable dreams and illusory visions—spare the nation of the indigestion and consequent dyspepsia that inevitably affects a poor mortal who indulges in too much dreams. Sir, it is not for me to enter into a detailed criticism of the recommendations of the Simon Report—there is not the requisite time nor can any useful purpose be served by performing such an intellectual feat on the floor of this House to-day. What I am here concerned at this particular time is to point out that the goal of Dominion status—as a practically realisable ideal—has been shelved indefinitely by this august Commission, and as such I am here to say, Sir, that these recommendations militate fundamentally against the policy which

we believed—perhaps in our simplicity—perhaps in our excess of confidence in British justice and British fair-play, but nevertheless the policy which we believed to be the policy of His Majesty's Government in England. Sir, it is only the other day that His Excellency the Viceroy most solemnly declared, that the goal at which His Majesty's Government is aiming at is the goal of Dominion status. If that declaration stands, if even at this time His Majesty's Government in England is still committed to the policy laid therein—and so far as I am aware Sir, that declaration has not merely been not repudiated, but affirmed and reaffirmed on many subsequent occasions—if, as I was saying, Sir, His Majesty's Government is still committed to the policy contained in the Viceregal declaration—then I say that in so far the policy contained in the one, is repudiated by the recommendations contained in the other —both of them cannot stand at the same time. And if His Majesty's Government still sticks to its old policy, then in a fitting manner it behoves His Majesty's Government to give to the recommendations of the Simon Report, which have already succumbed to the onslaught of Indian criticism, a decent burial, instead of sickening our soul by bringing in the sick phantoms of its resurrected ghost.

Sir, that is why I say that no purpose will be served by making the Simon Report the basis of discussion in the Round Table Conference. A report which strives for an ideal which we are not prepared to accept —and repudiates the one that we greatly cherish, a Report which postulates our incapacity—both political and military—as the basis of its recommendations, a Report which in consequence of all these has been condemned in its very fundamentals by all shades of Indian opinion—such a Report, can ill serve the basis of discussion in the Round Table Conference. If you want anything tangible to come out of this Round Table Conference, if you hope to get out of this new machine—a stable and satisfactory solution of the constitutional tangle in which you are involved, if you aspire to re-establish the mutual confidence and trust between Great Britain and India which I regret has now reached the vanishing point, let the Round Table Conference be absolutely free and unfettered, whose object will be to strike out a constitution that will approximate the ideal of Dominion status.

And it is, Sir, as a stern political realist that I am giving this solemn advice to His Majesty's Government in Great Britain. Sir, if there is one fact that challenges recognition to-day, if there is one fact which it would be fatal for Great Britain to ignore, it is this all-important fact of the rising spirit of nationalism in our land. That spirit is finding expression in every sphere of our collective activity—as Lord Ronaldshay has pointed out in his "Spirit of Aryavartta"—in politics, in literature, in art, painting and religion, yea even in the political outrages, an introspective on-looker like Lord Ronaldshay detected nothing but an expression of that national spirit. That spirit has assumed such a huge

proportion to-day that it can no longer be thwarted, you can no longer ride roughshod over this national sentiment with impunity, and if you are not prepared to recognise its importance and provide a legitimate outlet, it will find expressions in those political outrages which will shatter the very foundations of society. And the responsibility for this deplorable state of affairs—the responsibility for all the woes and miseries that will inevitably follow in the trail of such a political turmoil —will rest on the shoulders of those who in their arrogance refused to recognise this national sentiment of ours, and instead of putting their hats off to this Indian National Being which has emerged with all its glory, have made a calculated affront to its honour.

Sir, you are at the cross-ways. The alternatives are there: Are you going to bring back to this unfortunate country of ours—anarchy, violence and revolution? Are you going to tell the ardent nationalist that the only argument you understand is the argument of force, the argument of the stiletto and bomb? Or are you going to say that this new spirit will be recognised and let us sit together and devise means of giving this new spirit an institutional expression? Sir, it is for British statesmanship to answer one way or the other.

3-45 p.m.

Maulvi ABDUS SAMAD: Mr. President, Sir, having spoken on an allied subject the other day I had no mind to speak on the subject under discussion. But, Sir, in view of what had been said by the two Moslem members yesterday, I think I would be guilty of breach of faith to my community if I do not stand up and say that the views expressed by the two hon'ble members do not represent the view of the vast majority of the Mussalmans of Bengal. The Moslem community has expressed in unequivocal terms that it wants Dominion status and that it will not be satisfied with anything which falls short of that.

Sir, I am really surprised at the mentality displayed by the hon'ble members. The first ground on which they oppose the granting of swaraj is that the people have not yet learnt how to govern themselves and therefore they (the people) are not yet fit to get responsible government. Strange logic. How can they learn to govern unless they get an opportunity to govern? Sir, if this be a valid ground for refusing swaraj, I am afraid the people shall have to wait till Doomsday for its attainment. This is called arguing in a vicious circle.

Sir, the second point urged is that if swaraj is obtained the Hindus, who are in majority, would dominate over the Moslems and other minority communities, and therefore they urge that they are not prepared to accept any form of responsible government unless safeguards are provided to protect Moslem interests by mutual adjustment and agreement.

Regarding safeguards and adjustment, so far as I know, Sir, the Hindus are always ready and agreeable to come to an amicable settlement, and the Nehru report was an attempt to meet the Moslem demands. I admit, Sir, that the Nehru report is not a perfect and complete document and it has many defects and imperfections. But, Sir, it is not the last word on the subject of compromise and it is always open to the two communities to meet and settle their differences. But, Sir, my own opinion is that no agreement or safeguards can safeguard the interests of a community which does not know how to safeguard its own interests, and this is nowhere better illustrated than in the case of the Moslem community. Dominion status is opposed on the assumption that the interests of the Moslem community are being better served and would be better served by remaining under direct British rule. But I ask the two hon'ble members and others who hold the same view, is this true? Have the Moslems under the British rule attained the same position in wealth, education and other fields of activities as the Hindus? Certainly not. The reason, Sir, is obvious. The Moslems have failed to move with the time as enjoined by their Holy Prophet. On the other hand, they hug to their bosom the dogmas and formalities which do not form any essential part of their religion and which retard human progress. So whether you give them any safeguards or not, I am sure the Moslems will never reach the position they aspire to get unless they give up their old ideas and prejudices. Take for example, the matter of education. They do not want to mix with the Hindus and learn with them in the same college. On account of their persistent demand and with the object of meeting certain political purposes Government have spent a good deal of money towards the establishment of the Islamia College. The Hindus said that the same amount might have been better utilised in the shape of giving stipends and other necessary help to the poor deserving Moslem students, but Government did not listen to this. The education imparted in this college is far inferior to the education imparted to students in the Presidency College. Then take the question of their vernacular—I speak of the Bengali Moslems only. They are first Bengalis and then Moslems and their mother-tongue is therefore Bengali, but the Moslems pretend to think that Bengali is not their mother-tongue and they waste their time and energy in learning Urdu and Persian which are of no use to them in the field of their activities. No nation can rise except through the medium of their own mother-tongue. The Moslems of Bengal have neglected their mother-tongue, and this is one of the reasons of their downfall. So I am supporting the resolution for the grant of Dominion status to India because if it is granted the Moslem interests will, I think, be better served.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, the wording of the resolution is very straightforward and explicit and every part of it has been

touched and emphasised by speaker after speaker who have preceded me. I do not want to reiterate the same arguments already advanced. But instead of giving a silent vote I have stood up to add another feeble voice to state with all the emphasis that I can command that British India cannot accept anything short of the status of a self-governing body long promised and many a time deferred.

The Simon Commission Report has been found to be lacking in sympathy with the aspirations of the Indian people. It is teeming with diplomatic moves to forward the interests of the British people more than those of our country which has justly been clamouring for self-government in the right sense of the term. This has fully justified the apprehensions of the Indian people unequivocably expressed by the almost unanimous boycott of the Commission by the political intelligentia of the country. In Part I of the report we have abundant evidence of the special pleading of a very able and astute lawyer to prejudice a jury by statements which would bear no close scrutiny. The Commission's legitimate function was, as stated in the letter of reference and the Royal Charter, to enquire into the working and the development of representative institutions in British India, but it went beyond its defined scope and limit by dragging in the independent Indian States to concoct an impossible and impracticable scheme of a federated India. Almost all such federated governments have proved failures in the past and there is very little likelihood of the Commission's idea of federated India taking any practical shape. It has served to make the question of granting self-government to British India much more complicated, and even if it at all matures it would take an indefinitely long long time to be of real good to British India. It seems, Sir, that the Secretary of State very wisely has decided once for all not to allot any seat to any member of the Simon Commission in the proposed Round Table Conference.

Our only hope is now in the wise and successful working of the Round Table Conference before the Government of India Bill is taken up by the British Parliament. As to conservatives, liberals and labour groups of the British statesmen we feel they should not have any determining voice in the conference. They have this chance later on in Parliament to decide the final shape of the constitution and should not have any predominant influence in the method of self-determination of the country concerned by the representatives of its people. That is why we are anxious to see that no mistake is made in the selection of the personnel of this Conference. We are anxious to see that only those who really and truly represent the Indian people and are sympathetic with their political aims and aspirations are chosen for seats in the conference. To ensure this it is necessary that these persons should come through election basis and should have just claims to represent some definite groups of Indian people. It cannot be denied that the

Indian National Congress has at present been commanding a great sway over the people, and so it would be a very great mistake not to include its spokesmen in the Round Table Conference. What the effect of the present Sapru-Jayakar peace movement will be it is difficult to predict. We earnestly hope that their earnest efforts will succeed in bringing about an end of the civil disobedience movement and that Mahatma Gandhi and Pandit Motilal Nehru will agree to join the Round Table Conference. Without their co-operation, we fear the present disturbed state of affairs in our country will not cease and the efforts of the Round Table Conference will end in failure.

Turning to other groups we feel it our duty to suggest to the Government of India that their representatives should be selected by the different councils which are undoubtedly based on elective principle. So Bengal ought to be allowed to choose its representatives through this Bengal Legislative Council—the selection not being confined to its members only but extended to others outside it.

Sir, to ensure success of the Round Table Conference His Excellency the Viceroy is evidently anxious and even his most die-hard critics will admit that His Excellency has been helping towards the successful termination of the peace movement. Let us hope that we will forget our differences and help His Excellency the Viceroy in achieving this object, and in that connection we may ask this Government to allow the Bengal Legislative Council to select representatives of Bengal to join the Round Table Conference.

With these remarks I support the resolution.

4 p.m.

Babu SATYA KINKAR SAHANA: Sir, considering the importance of the resolution of my friend Mr. S. M. Bose regarding the immediate establishment of Dominion status, I beg to support the resolution. Sir, the times have been changing fast. Only a couple of years back there were three sections of people in the country: one section had lost their faith in the Government, another section still retained a lingering faith in them and a third section, the biggest section, with their faith oscillating between the aye and no corridors of their minds; but, Sir, the thoughts of men have so widened with the process of the sun, that to-day there is only one section in the country pulsating with a new life of nationalism, burning with a desire to be masters in their own house. Sir, the other day I came across a band of men, both young and old, of the labouring and artisan classes. I tried to persuade them to desist from taking part in the civil disobedience movement; but instead of listening to me they said: "Sir, we are fully convinced that if we must live we must live like men. It is more desirable to be obliterated from the face of

the earth than drag a miserable existence under the present circumstances; we do not know if we have been following a right course, but this we do know that we have been following those who for the amelioration of our condition have been sacrificing their all and suffering imprisonment and sometimes even death."

Sir, there are a few people who think that this newly-born sense of nationalism in the country is a weak, puking and muling child that can be crushed out of existence with little force. Sir, so thought the Rakshasas of Ram and his followers; so thought Kansa of the puny child born of Debaki within the stone walls of his prison; so thought the Pharisees and Gentiles of Jesus of Nazareth and his fishermen, and so thought the inimical Arabs of the Prophet and his faithful followers; but, Sir, we all know that future events belied all those thoughts.

Sir, this newly awakened sense of nationalism like a great flood has carried away our individual belongings of caste, creed and community, and the country stands waist deep in the current of nationalism. Sir, if there be any attempt to support the present system of Government on the frail pillars of communalism, illiteracy and caste-system, it is destined to be futile. Those pillars are already thinning away. The Hindu and Mussalman are getting fully tired of the foolishness of cooking their meat with beams and rafters pulled down from their own roofs. Sir, little reliance can be placed on the divergence of opinion. Difference of opinion there will be as long as there is thinking power in man; but, Sir, every observer will find an unity in diversity in the present-day India, and we all know that that is the only unity possible in human affairs all over the world.

Sir, the fitness of the people for self-government has been questioned. But, Sir, by whom and on what sort of crucible is their fitness going to be tested? Not by the rulers alone on the crucible of convenience of administration nor by the people themselves on the crucible of immediate gain. I hold, Sir, that a Round Table Conference with true representatives of India and Britian is essentially necessary for ushering in the halcyon days of peaceful calm after these stormy days. But, Sir, as unfortunately many English words change their meanings in our poor country I would desire that the Round Table be a round table in the true sense of the word and not a square table with the complimentary epithet of round.

Sir, I venture to think that the "immediate establishment of full Dominion status" is the only solution of the Indian problem to-day. Sir, mincing matters or trickling justice will not do. Nothing less than Dominion status will satisfy the people and it should be established immediately, for I fear a few years hence full Dominion status may not be acceptable to the people. Sir, with these few words I beg to support the motion.

Dr. Sir NILRATAN SIRCAR: So far as one can see the one aim of united India would be to serve as the vanguard of Asia as a member of the British Commonwealth. While retaining her connection with Great Britain she would like to enter into bonds and relations of cultural, economic, social or political character with the rest of Asia. For this purpose an expansion of the life of the Indian nation is necessary and we believe in the heart of our hearts that the great minds of Great Britain as well as other countries of the world are in sympathy with our aim. We know that there are some difficulties in the way particularly on account of differences amongst ourselves. But is there any country where similar differences do not or did not exist at one time or another? Almost everywhere there has been the question of interests of a majority as against those of a minority; but somehow or other the question has been solved. Here in India are these difficulties insurmountable? I trust not. On the contrary there are more points of agreement between Hindus and Muhammadans than of difference. I may be pardoned for giving expression to my feelings in this respect—I feel that I am as much a member of the Hindu community as of the Muhammadan community—Ethnologically, racially, educationally, politically, economically, industrially and commercially, we are all on the same footing. There is only one point—and I am afraid that point has been very much accentuated—that of religion in regard to which there has been kept up much unpleasant difference. At the present time the modern idea of political development does not give an important place to religion in any country. Therefore I do not see why we Hindus and Muhammadans cannot form a composite nation for the purpose of our political advancement, particularly when we find that this advancement is impossible without such combination and without such fusion. Sir, watertight compartments, we know, would be fatal not only to one community or to the other also and to the whole nation, and there is no room in the Indian nationality of the future for watertight compartments. Hindus and Muhammadans, we are all Indians, members of one whole nation and we are all interested in each and in the whole, and the whole is interested in the development and welfare of each of us; we must live each in the whole and the whole in each, and be united into one great Indian nation. I am afraid, that much has been made of certain ostensible points of difference which however do not count much so far as political advancement is concerned. True in India there are Hindus and Muhammadans. But what about the different religious sects in other free countries? In China, there are Buddhists, Muslims and the followers of the religion of Confucius. In Japan there are Buddhists, Christians and Muhammadans. China and Japan are independent countries. Regarding differences of another character we find such even in the Dominions of Great Britain. In Canada there are great

differences between different classes regarding various matters. In South Africa the population is after all more heterogeneous than homogeneous, I refuse to admit, and will continue to refuse to believe, that anybody should call India a heterogeneous nation because the Hindus and Muhammadans have taken independent lines in the pursuit of their religion. Under these circumstances it is futile to hold that India should have no Dominion status because there is religious difference between the Hindus and the Muhammadans.

I have only another point to make and it is simply this: that our ideal is a greater India, serving as the vanguard of Asia in the British Commonwealth. We must say that we have begun to feel the impulse of political self-consciousness and what people find to-day here are the indications of our self-expression and efforts towards self-determination. We hope to have our dreams materialised. We believe that Great Britain will help us in the future as she has helped us in the past. There is at present nervousness in some quarters but I do not see that there is any reason for nervousness on any account.

(At 4-15 p.m., the Council was adjourned for prayer and it reassembled at 4-25 p.m.)

Mr. B. C. CHATTERJEE: Sir, we are all in sympathy, as we could not but be, with the resolution moved by Mr. S. M. Bose. Sir, we have heard very many speeches which have dwelt on the various aspects of this question. But while we are criticising what the Simon Commission has done and what other Britishers have done, I would respectfully remind my countrymen of one little circumstance, which is this: That this task undertaken by the British in India, this task of deliberately initiating a dependency into the privileges of freedom, is a spiritual enterprise which is without a parallel in history.

4-30 p.m.

If we leave out the single example of Rome's enfranchisement of her Empire in her hour of decline, then we have to admit that this is the first attempt in history that we find of a nation—an Imperial nation—deliberately addressing herself to the task of initiating a country which has so long been a dependency into the privileges of freedom. And it must also be remembered by my countrymen that we are not compelling England to do it by means of an armed insurrection. It cannot be said that England is initiating this policy on account of a very big revolution that we Indians have encompassed, or that we have so ordered our forces and resources in India that the British are doing it absolutely out of fear. Therefore, I think the meed of praise is due to the British that they are introducing freedom into this country without being compelled to do so, so to speak, at the point of the bayonet.

Now, Sir, I would also remind my countrymen that when the British introduced the Reforms ten years back, they seemed to do it in a spirit of sincerity, begotten of a faith in India's right to freedom. I remember vividly a few of the incidents that took place immediately after the introduction of the Reforms in India. Lord Ronaldshay, the then Governor, asked His Excellency the present Governor, who was then the Chief Secretary, to write to me and request me on his behalf to ask Mr. Aurobindo Ghosh to come back to Bengal. After that we had an amnesty, and grant of pardon to those who had ranged themselves in deadly earnest against British rule, and had been sent to the Andamans and other places; and they were actually brought back to India and allowed the liberty of the ordinary citizens. Further, the fact that I cannot forget, Sir, is that Mr. Gourlay, at the instance of Lord Chelmsford, housed and fed for six months those young men who came from the deportation centres and the Andamans and from internment areas, and not only housed and fed them but protected them from that police *zoolum* to which they would have been subjected had they been stranded on the streets. Then, again, Sir, I remember vividly—and I make bold also to remind my countrymen—that the Reforms as they were inaugurated in Bengal did not fail; because we remember that within a short space of three years, the late Sir Surendranath Banerjea was able to convert the greatest corporate body in Bengal, next only to the Government of Bengal itself—namely, the Corporation of Calcutta, from an official into a democratic body. The transformation that he was able to carry out was by reason of the fact that the Reforms had vested him with the powers of doing it. He had for a long time declaimed against the officialisation of the Calcutta Corporation, but only succeeded in bringing about the change that we now see in it, because of the powers that the Reforms had vested him with. And, Sir, when the Swaraj party of Bengal went to the Corporation to work it, and not to wreck it, they demonstrated finally that the Reforms did not fail but were a success, because it was an absurd thing for the Mayor of the Calcutta Corporation to say that the Reforms had worked nothing, after acknowledging the fact that it was because of the Reforms that he was the Mayor of Calcutta. Now, the controversies are over, ten years have gone by, and we have the Simon Commission's Report. A good deal of criticism has been made on the work of the Commission —it has been made quite rightly—but at the same time I wish to ask my countrymen to remember the fact that when they take up a piece of constructive legislation, when they take up the task of political construction, they cannot bring to bear on it the tone and spirit of the propagandist. The method of a builder of a statesman must be fundamentally different from the method of a political propagandist. The propagandist puts the real in terms of

the ideal, puts the present in terms of the future, in order to arouse enthusiasm in those amongst whom he works. The political architect has to address himself to the task of building up a political fabric and he must keep to the real and the actual in the manner and spirit of the man of science; he cannot build in the air any more than the building architect can build in the air. If we could subject ourselves to this healthy discipline, then we should be compelled to acknowledge the fact that the *three* difficulties that the Simon Commission have brought forward for consideration are the difficulties which we must confront and surmount if we want India to be a Dominion. It is no use merely crying out against the Simon Commission because they placed the obstacles before us. Before we can get to our goal, we must get into touch with, get to know, all the obstacles that lie on our path, because it is only by realising the obstacles, and conquering them that we can get to our goal; and it is from this point of view that I say the Simon Commission's work has been very useful. The Simon Commission themselves say that they have collected the materials for the consideration of the Round Table Conference.

Let us look the three difficulties in the face. The first is the case of the Indian Princes. My friend Dr. Sen Gupta spoke yesterday, as a constitutional lawyer, referring to various instances where Protectorate States have been converted into democracies; but surely he cannot forget the fact that the Princes are there—very much there; and that there are treaties between England and those Princes which cannot be got over by any amount of speechification on our part in this Council or any other Council. Therefore, if we really want an Indian Dominion, we have got to go to the Princes, have to get into conversations with them and come to an agreement with them before we can get Dominion status. From the way my friend Dr. Sen Gupta spoke, I thought that he almost regretted the fact that Lord Canning and his successors had not carried out Lord Dalhousie's policy of annexation, so that the whole of India would have been marked red instead of being marked otherwise to-day, and the difficulty of the Princes would not have confronted us in the way it does. However we may wish otherwise there it is, and no Indian who really desires to attain Dominion status can deny the fact that before India can attain to it, the British part must come to an agreement or understanding with the other part of India, as the very condition precedent to the attainment of Dominion status.

The next point is that the Simon Commission have *done* us a signal service by focussing our attention on the second difficulty that stands in the way of our attainment of Dominion status—namely, the Hindu-Muhammadan difficulty. Here is a difficulty that hits us in the face, and what is the point of talking platitudes as if this difficulty did not exist? Here, again, I submit, is an instance in

which the Simon Commission have administered a very healthy dose of physic to both of us, Hindus and Muhammadans. Now, the question they have put is this: Are you Muhammadans going to make it an all-India or a provincial question? If you want to make it an all-India question, that is to say, if you are going to say that all over India the Muhammadans must be given representations on the Councils which would be in excess of their numerical proportion in the totality of the provinces, then as you are in a majority in Bengal and in the Punjab, you have got to sacrifice your majority in order to give weightage to your fellow-religionists in those provinces where they are almost helpless, and would sink to absolute impotence if they were not going to have that weightage. On the other hand, if my Muhammadan brethren will make it a provincial question then this difficulty will disappear. So far as Bengal is concerned there are no difficulties. If the Muhammadans are not getting a majority representation now they could easily get such a representation by coming through the general electorate—that is what the Simon Commission suggest. If the Muhammadans want to have the advantage of their majority in the Punjab and Bengal they can have it, but they must have it on the basis of a joint electorate. The logic is clear. In my humble estimation the question of representation of Muhammadans in the Council is really a provincial one, and I submit each province will solve it by itself. As far as Muhammadans and Hindus of Bengal are concerned, my respectful suggestion is that we should have a joint electorate, with an equal number of seats reserved for the Hindus and Muhammadans on this Council. If we reserve seats in the proportion of 50 and 50 between Hindus and Muhammadans, then there can be no objection to having a joint electorate for sending the representatives. But here is a point which we have got to discuss and agree upon before we talk glibly of Dominion status.

Thirdly, there is another point, Sir, which also raises a very great difficulty, and which also must be faced by us before we attain Dominion status, and that is the difficulty about the British soldier. Mr. Travers, with his usual British bluntness, has told us that the British soldier will not serve under an Indian Government. It is a difficulty that confronts you and me; confronts all of us—a difficulty, to the solution of which we have got to address ourselves. If the British soldier really persists in his refusal to serve under an Indian Government, it is difficult to see how we are going to solve the problem of Dominion status. But my respectful submission is that further discussion between the English and the Indian will be bound to lead to the solution of this difficulty. I do not and cannot imagine why the British soldier will refuse to serve under an Indian Government, while the British civil servant is already doing so, owing to the splendid discipline which is the characteristics of his race. We know that

there are many civilians serving under Indian ministers. Since the inauguration of the Reforms we have witnessed the spectacle of English members of the Indian Civil Service—the most exclusive and aristocratic service in the world—consenting to serve under Indian ministers. If an English member of the Indian Civil Service, a very gifted member of the race, is willing to serve under an Indian Government, I submit, Sir, the objection of the British soldier to serve in the same way under an Indian Government must disappear if he is made to realise the position. Besides, I may remind the House, Sir, that such an attitude is out of keeping with Great Britain's post-war policy. Up to the time of the Great War, England may be said to have been a Christian country within her borders, and Cæsarist or Imperialist outside. She had affected up till then to draw a dividing line between *whitemanity* and humanity, and conform to one code of morality for the European and quite another for the non-European.

4-45 p.m.

[Here the member reached his time-limit, but was allowed to proceed for a few minutes more.]

But that distinction was deliberately wiped out by her after the war by her concession to India of the right to freedom. She has departed from the dual code since 1919. It exists no longer—nothing remains of it. England looks up no longer to the Cæsars of Rome; she turned her gaze—the eye of her spirit—on the Divine Martyr on the Cross on the day that she led India by the hand on the road to freedom. On and from the 20th August, 1917, she has Christianised her politics. And I would appeal to the Englishman never to forget the greatest of all facts that the path of Christ does lead away from the path of Imperial Rome. The essence of the creed of Christ is equality between man and man—which England dared to proclaim in India on the memorable date—and it is the negation of the Imperialist creed of dominion of man over man which had led to the formulation of that horrible distinction between man and white man in the era preceding the war. I am quite hopeful, Sir, quite optimistic, that in course of time the difficulty created by the attitude of the British soldier will disappear in the same way as difficulties have disappeared in the matter of subordination of English civilians.

These are the three difficulties that exist. We had better take count of them, grapple with them and solve them. I appeal to those who are going to the Round Table Conference to forget the distinction between themselves, to meet and discuss these things together and try to come to some solution before they go over to England. It is only after they have been able to get over these difficulties that they will be able to tell England "give us Dominion status."

I do not know whether it would be relevant for me to address an appeal to Mr. Gandhi and to the two Nehrus also to consider these difficulties, which they also have felt at one time or another, and try to remove them. Mr. Gandhi and the Nehrus could now sit at the Round Table Conference without having to feel at any time that Sir John Simon was looking over their shoulders, and should now be able to put before the Conference their plan, their scheme, of political development which may have absolutely nothing to do with the Simon Report. If their plans are superior to the plans of the Simon Commission they should find acceptance in the Conference in preference to the proposals of the Report.

In the second place with my limited intelligence I fail to understand what distinctions could be said to exist now between Mr. Gandhi and Lord Irwin. Mr. Gandhi wants Dominion status with an intermediate or transitional period. The Viceroy also says that the goal of British policy is Dominion status, but it is not to be just now. What is the difference between the two pronouncements? One says he would have Dominion status, but not now, and the other says I want Dominion status at once, but I am not fit for it now. That being so, it strikes me that we are wasting the substance of India on a mere verbal war. There is very little difference between what the Viceroy says and Mr. Gandhi says. I appeal to Mr. Gandhi to consent to go to the Round Table Conference so that he may do there exactly the kind of work that is needed to remove all the obstacles that stand in the way of our getting Dominion status.

Maulvi SYED MAJID BAKSH: Sir, I am glad that the discussion of this resolution has brought us face to face with the problem of the Indian constitution. I am glad that my friend, Khan Bahadur Maulvi Azizul Haque, has given notice of an amendment which has been accepted by you about the racial points of view that confront many of us here. As regards the points that have been raised by my friend, Mr. Chatterjee, I will deal with them later. I will begin by saying that the resolution which deals with the Round Table Conference is one which is of paramount importance at the present day. You know, Sir, that the last Conservative Government, before it went out of office, caught at the last straw by appointing a Commission as if they had the premonition of what was coming: That Commission was appointed in the teeth of opposition of all the Indian members; and when it came, it was not liked by any body, as you are all aware, except by its own countrymen. The Commission went from one town to another and as has been very aptly expressed with the running accompaniment of sticks and stones; it was boycotted by every body and was not supported, either by the Congress or by the Liberal Association. I was listening the other day

to an expression from one of my European friends that they are Simple Simons. I think he was referring to the Nursery rhyme which says—

Simple Simon met a pieman,
Going to the fair,
Said Simple Simon to the pieman,
Let me taste your ware.
Said the pieman to Simple Simon,
Show me first your penny,
Said Simple Simon to the pieman,
Indeed I have not any.

The Simple Simon that came here has openly said and has clearly established in its report that it has got nothing to give us. It wants our co-operation—it wants us to be partners in the Empire and it also wants us to be members of the British Commonwealth, but it has not a penny to throw in exchange for this commodity. I will, therefore, say that a very sympathetic Viceroy in collaboration with the present Government of England has rightly said that the Simon Commission Report is not the only document which is to be looked into in framing a constitution for India. He has declared that there is to be a Round Table Conference where the whole matter would be threshed out and discussed, and as an outcome of that deliberation the constitution that may be arrived at will be supported by Government. I do not know whether the Labour Government will venture dangerously ahead and be on the side of Indian aspirations and will live to record its vote in favour of the report of the Round Table Conference. I am afraid that it may go out in their attempt to help India and the British Empire out of their difficulties. Whether that thing may come to pass or not, at present we may leave it out of consideration. We are agreed with Mr. Chatterjee that a solution ought to be arrived at between ourselves, Hindus and Muhammadans, before we go to the Round Table Conference and if we can so arrive at a solution amongst ourselves, we can then present a united front and make a united demand which, I am confident, no assembly will be able to deny us.

As regards the point of view which has been mooted by many of the speakers here about communalism and such other things, I would like to say that Mr. Chatterjee has rightly hit the point. However much we may deplore it, it is certainly there. We must confront it and attempt to make a solution of it, if we really want to achieve our end. That is the point of view that has been presented by the members on this side of the House—I mean the Muhammadans. Mr. Chatterjee points out that we must be logical. We must either have the Moslems of India considered as a whole or the Moslems of all the provinces considered by themselves. If we consider the Moslems of India as a whole, we must face the simple fact that, considered as a whole, we are in a minority and should exist as such. If that is so,

I really confess, I do not know. It looks a counterfeit logic intended by an astute lawyer to make people understand what they do not really understand. If we take province by province, we require a little weightage in other provinces where we are in a minority. But in this province where we are in the majority, we must have 50 per cent. or half. He forgets that even by adding weightage we, the Muhammadans, are already in the minority; it does not matter whether a few persons are added or not. No substantial advantage is given to the Muhammadans. They will always be in the minority and whenever any voting takes place, the Moslem will be in the minority. I, therefore, protest against the acceptance of this principle altogether in the conference to be held that since we have been given weightage in the other provinces we should reduce our majority and go down to equality, so that if there be any diversion of a single vote from our side, we may not carry our point.

Mr. B. C. CHATTERJEE: On a point of order, Sir. I suggested that, if the Muhammadans of Bengal want to get in in any majority, let them do so on the basis of a joint electorate.

Mr. PRESIDENT: I am afraid that was an explanation, and not a point of order, Mr. Chatterjee.

Maulvi SYED MAJID BAKSH: I do not know whether Mr. Chatterjee has corrected me on my point or whether I may go on with my point However, Sir, I agree with what he said and I still say that we, in the Bengal Legislative Council, shall not allow our ideas to go beyond the boundaries of our province to consider the question of Muhammadan representation from the stand-point of an all-India one. We are now considering the question of Bengal alone and what arrangements we are going to make in Bengal where we are in the majority according to the last census? If that is so, I ask: What are we going to get? Are we going to get a share in the administration according to our number or are we not? That is the point. The larger question of the constitution in other provinces is not our concern. We should confine ourselves to Bengal alone. I think that if Mr. Chatterjee will follow up his logic a little further, he will find that to do justice to ourselves, the Moslem community must have a majority—whether it be by a joint electorate or by a separate electorate, is a matter of detail which can be settled afterwards. Let us first of all determine the principle upon which to act and let us then work out the details. If the representation is to be by a joint electorate as suggested by Mr. Chatterjee, Sir, I have not the least objection to what he says provided the principle is established once for all that our majority must not be reduced to the position of a minority as was done in the past.

Sir, I for a moment do not yield to any one in my love of the country—the country where I was born. The point is whether I should call myself a Mussalman or an Indian irrespective of any other consideration. If I am an orthodox Mussalman, I must tell Mr. Chatterjee that our religion enjoins that I must love my country. It is part of my religion and part of my faith that I must love my country. I do not like to quote any text, but I may tell him that the text says that the sign of a true Mussalman is that he loves his country. Therefore, Sir, I yield not a whit less in my love of the country to any one else in this House. But my love has an ideal and I must strive after that ideal.

5 p.m.

Freedom is a desirable thing as an ideal, but coming to material things and a practical idealism freedom is also desirable because it ensures freedom of one's convictions, freedom of one's institutions and freedom of one's ways of living. Therefore, Sir, I would submit that I must have freedom all the same, but along with freedom I must know that that freedom ensures to me freedom as regards my ideal and as regards my institutions. I do not for a moment agree with those of my friends who advise me not to have anything to do with my European friends. I would tell such friends, if there are any, who support Dominion status or anything else which would perpetuate the slavery of our race, that they are backing the wrong horse. I am reminded of a passage in one of Kipling's works which is as follows—

> "Last night you swore our voyage was done,
> But seaward still we go;
> And now you tell me of a secret pact,
> You made with an open foe."

I am not one of those who have made a secret pact with an open foe. Let not my friends be displeased with me for my frankness. I must tell them that whatever communalist Muhammadans may talk of, in their heart of hearts they are ardent nationalists, who yield to none in their love of the country and who are prepared to sacrifice their own interests for the sake of their country. I do not, therefore, think ill of my European friends. I do not like that they should ever leave us. They should live with us as citizens of the British Empire. We want their co-operation in building up the future India. We think that with that co-operation we shall be able to build it up much more easily than it would be possible for us to do without it. They are the sons of a free country. They have been initiated in the school of freedom from the very start of their life. They know how a free man should behave, and from them we should learn how to behave as free men. I would,

therefore, request them to live in our country even if complete freedom is gained by us. There are many free countries in which Englishmen live—there is France, there is Japan and there is China. In China they live even in the midst of serious dangers to their lives. Why should not they live here as they live in those countries? They should live here along with us as fellow-subjects of His Majesty if Dominion status is given. And in case we secure independence in the meantime, they will live with us as members of a free nation living in another free country. I would protest against any suggestion that as soon as Indians get freedom, they would confiscate the property of the Europeans or usurp their bank balances. I have no doubt that they will continue to live happily in this country in full enjoyment of their bank balances and their property if they respect the feelings of the people of this country.

[Here the member, having reached his time-limit, resumed his seat.]

The following amendment of Khan Bahadur Maulvi Azizul Haque was then put and agreed to:—

"That after the words 'Central Government' in the resolution of Rai Bahadur Kamini Kumar Das, the following words be inserted, viz., 'with proper safeguards of the Moslem and all minority interests.' "

The resolution of Rai Bahadur Kamini Kumar Das, as amended by the Council, was then put.

Mr. J. CAMPBELL FORRESTER: On a point of order, Sir. How can one possibly ask for full responsible government and at the same time ask for safeguards for minorities? They seem to be contradictory.

Mr. PRESIDENT: I think that full self-government, if at all given, may be with such restrictions to begin with as will fulfil the intentions of the mover of the resolution. I think this is not a point of order at all. The resolution stands as it is, and it is for the Council either to accept it or to reject it. It is not possible for the Chair to intervene and alter any resolution or amendment which has been tabled by any individual member of the House. Further, as I have already said, this is not absolutely impossible as you seem to think.

The following motion was then agreed to:—

"This Council recommends to the Government to communicate to His Majesty's Government in England, through the Government of India, that in the opinion of this Council full responsible Government in the provinces as well as in the Central Government with proper safeguards of the Moslem and all minority interests should be established without delay so that India may be placed in the same status as the self-governing dominions of the British Commonwealth."

The resolution of Mr. S. M. Bose was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banarji, Rai Bahadur Keshab Chandra.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Dr. Jogendra Chandra.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Guha, Mr. P. N.
Hoque, Kazi Emdadul.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Nag, Babu Suk Lal.
Nag, Reverend S. A.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prosad.
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Khatter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.

NOES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Basir Uddin, Maulvi Mohammed.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Forrester, Mr. J. Campbell.
Habibullah, Nawab Khwaja.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lal Muhammed, Haji.
Luke, Mr. N. R.
McCluskie, Mr. E. T.
Mullick, Mr. Mukunda Behary.
Norton, Mr. H. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Sumner, Mr. C. R.
Travers, Mr. W. L.

The Ayes being 35, and the Noes 41, the motion was lost.

5-15 p.m.

Noakhali-Hatiya-Sandwip telegraphic connection.

Khan Sahib Maulvi BAZLUL HUQ: I beg to move that this Council recommends to the Government to urge upon the Government of India, the most pressing and unavoidable necessity of opening telegraphic connection with the mainland and the islands of Hatiya and Sandwip, in the district of Noakhali.

The resolution is self-explanatory and I am sure requires no elaborate discussion. The islands of Hatiya and Sandwip are situated in the mouth of the notorious river Meghna which forms a part of the Bay of Bengal. They are in existence from time immemorial. Hatiya is about 175 and Sandwip about 130 square miles in area. Population according to the last census is 71,268 and 124,884, respectively, that is in all about two lakhs. These are very healthy places. But the communication with the mainland, specially during the months of April to October, is exceedingly hazardous and irregular. The sea becomes very boisterous especially when monsoon sets in. The only safe passage to the mainland is by steamer. Though they are a part of the district of Noakhali the people have to travel through Chittagong from where steamers run. During foul weather and winds, steamers do not dare to leave the shores. Intending passengers and even mails have to wait for days together. The roughness of the sea cuts off the communication and nobody dares to undertake perilous journeys. Even during the winter season when naturally the sea assumes a calmer appearance disasters befall to passengers, when all on a sudden a small cloud appears in the sky and the wind blows. Not many years ago, a Sub-Registrar very narrowly escaped from the bosom of the sea He had to pass a whole December night and a part of the following day in the watery bed of the Sandwip channel. He was providentially saved. Such cases are not rare. Very recently another boat capsized. Just consider the miserable plight of the passengers.

These islands have got 2 Munsifs' offices, 3 Sub-Registrars' offices, 3 thanas, 2 Khas Mahal offices, 2 High English Schools, Co-operative Banks, Sub-Deputy Magistrates' offices and sub-post offices and four dispensaries and so on. The inhabitants are very adventurous. They flock in numbers to different parts of Burma, Siam, Singapore, Mesopotamia and adorn inland steamers as serangs, tindals, khalasis and sea-going steamers as lascars, etc. They go to different parts of the world to earn their livelihood. Their sons send from different parts of the country enormous money by postal money orders Want of telegraphic communication has been very keenly felt. Petitions after petitions had been submitted to Government. They cried very hoarse but to no effect. In these days of civilisation and scientific improvements when impossibilities have become realities, is it not a pity that these islands should remain so backward as not to have telegraphic communication even? Is it not a slur on the good administration of the Government? These islands which Providence has cut asunder and separated from the mainland should at least get an easy means of sending and getting news at least during the boisterous days of the sea.

Sir, the importance of this resolution cannot be overestimated. The need is unavoidable and the claim is a very legitimate one. Government is bound to dispense even-handed justice in all matters connected

with the comforts, convenience and happiness of its subjects. The poor, the sickly and the disabled sons get the greatest attention of their parents. But unfortunately here, the case is quite the reverse. The cries of these unlucky islanders are too feeble to reach the lofty hills of Simla. Just consider the pitiable condition of these unfortunate subjects of the Crown, who are deprived of the manifold advantages of the scientific world. I beseech you in the name of humanity to seriously consider the matter.

Sir, in reply to my question, the other day, the Hon'ble Mr. Marr was pleased to admit, in this House, the existence of inconveniences and possibility of hardship on account of there being no telegraphic communication, but at the same time declined to take any remedial steps to remove the admitted inconveniences and grievances of the unlucky islanders on the usual plea of financial stringency. This is what I anticipated to be the answer. It is a favourite plea with the Government to avoid an unavoidable demand. It is a very lame excuse. We find many bigger projects are being taken up daily and will be taken up in future, but this most urgent and pressing demand will remain where it was these 150 years of British Raj uncared for. Does it not show that Government have no genuine desire to take up the matter? Is it not clear that Government have not the will and hence they could not find out the way? Am I to understand, Sir, that there were financial difficulties during these 150 years of British rule? If not may I know why this most important subject was left uncared for. If your plea be genuine, let us be given an assurance—and a positive assurance —that Government will undertake the work as soon as financial difficulties will be over and in no distant future. This is a legitimate demand which should under no circumstance be trampled under foot and should under no circumstance be ignored.

With these few words, Sir, I beg to commend my resolution to the acceptance of the House.

Mr. L. C. PINNELL: Sir, the terms of this resolution are that this Government should urge upon the Government of India the most pressing and unavoidable necessity of opening telegraphic connection with the mainland and the islands of Hatiya and Sandwip, in the district of Noakhali. I would point out to the mover of the resolution that there is one way, and only one way in which this Government can influence the Government of India, and that is to say that if the inhabitants of those places do not pay the bill Government will pay. The bill that is required to be paid in the case of Sandwip is for about Rs. 8,500 each year, and in case of Hatiya about Rs. 19,800. In 1921 the Hon'ble Mr. Kerr (now Sir John Kerr) in replying to a similar resolution, while paying a tribute to the loyalty and hardihood of the inhabitants, felt obliged to say that Government could not see its way

to commit itself to expenditure on that account. In 1921 Government was required to pay only half of the bill. Since then Government is required to pay the bill in full. I need not labour the point. It has been brought out by replies to many resolutions; and Government is certainly not better off now than in 1921. Now, Sir, Government is prepared to admit inconvenience not only to the people but to the administration; but Government cannot undertake to foot that bill. The hon'ble mover asks for an assurance that Government will take this matter up if and when financial conditions permit and at no distant future. So far as Sandwip is concerned the first part of that assurance can be given, that Government will consider this matter if and when financial conditions permit. The second part of the assurance, namely, as to the distance of the future in which that can be done cannot be given. As regards Hatiya, it will be observed that the cost is more than double, and it would be premature to make any statement about Hatiya until the actual working of the Sandwip has been observed. I trust that the mover of this resolution will recognise that Government has gone as far as is possible and will not press this matter.

The motion of Khan Sahib Maulvi Bazlul Huq was then put and lost.

The following resolutions were not put as they were covered by previous decisions of the Council:—

Maulvi MUHAMMAD FAZLULLAH: "This Council recommends to the Government to take immediate steps to introduce a Bill to amend the Patni Sale Law of Bengal (Bengal Regulation VIII of 1819) principally under the following heads:—

(*i*) to provide for setting aside the sale in consonance with the principles enunciated in section 174 of the Bengal Tenancy Act (Act VIII of 1885) and order 21, rule 89 of the first schedule to the Civil Procedure Code (Act V of 1908) and section 22 of the Bengal Public Demands Recovery Act, 1913 (Bengal Act III of 1913);

(*ii*) to provide for separation of shares of Patni Taluqs held in common by opening of separate accounts in accordance with the principles of Revenue Sale Law (Act XI of 1859), and

(*iii*) to make other incidental changes."

Babu SATYENDRA NATH ROY: "This Council recommends to the Government to communicate to His Majesty's Government in England through the Government of India that in the opinion of this Council full responsible government in the provinces as well as in the Central Government should be established as early as possible so that India may be placed in the same status as the self-governing dominions of the British Commonwealth."

Mr. SAILESWAR SINGH ROY: "This Council recommends to the Government to raise the recurring grant to the Carmichael Medical College and Hospitals, Calcutta, from Rs. 50,000 to Rs. 1,00,000 per annum."

Provision for Moslem Education.

Mr. A. K. FAZL-UL HUQ: I beg to move that this Council recommends to the Government that it be declared as a settled policy of Government to set apart every year a sum of rupees ten lakhs for the advancement of Muslim education and that a beginning be made by making provision for the amount, and for this purpose, in the forthcoming Budget.

I feel that with a Muhammadan Minister in charge of the Department of Education, very many words will not be needed for me to commend my resolution to his acceptance. The resolution itself is divisible into two parts. In the first place I am moving this resolution for a declaration of policy by Government that funds be set apart for the advancement of Moslem education in Bengal. Secondly, I move that as an earnest of the intention of Government, a beginning should be made for making a provision in the budget this year. As regards the first part I am sure the Hon'ble Minister is aware that there have been declarations by Government from time to time that it is a part of their policy to set apart funds for the special encouragement of Moslem education. In the year 1883 the Education Commission recommended, among other matters, that having regard to the backwardness of Moslems in the field of education, Government should realise that assistance for the advancement of Moslem education should always be regarded as a legitimate charge on Municipal, Local and Public funds. The Commission further recommended that a graduated system of scholarships should be started for helping poor Muhammadan students. It is now nearly 50 years since the Commission made its recommendations, and I think I do not exaggerate when I say that beyond making merely a beginning, Government have not done anything substantial towards giving effect to the recommendations of the Commission in these two material particulars. I ask the Hon'ble Minister to realise the advance that has been made in the field of education by Muhammadan students and the necessity, therefore, of increasing the grant. Once the principle is accepted, I would further ask him to consider whether the time has not come for the redemption of such solemn pledges. I am sure the Hon'ble Minister, in the course of his reply, will give us the usual disheartening answer that there are no funds. There are certainly no funds for things which are not of great importance, but I think funds ought to be forthcoming for the purpose of fulfilling the

solemn promises made, and for the purpose of carrying out one of the most primary duties for which Government itself exists. It may be said that merely setting apart a sum of money will not do. The Government reply generally is that before they make provision in the budget they should have a scheme. But, Sir, that is one convenient way of shirking responsibility. I say that schemes or no schemes, money can at once be set apart for the creation of a number of scholarships. I do not know if the Hon'ble Minister remembers that in 1927, when the late Mr. B. Chakravarty was in charge of the portfolio of education a pledge was given, not in this Council but to all Muhammadan members, that a sum of Rs. 25 lakhs would be set apart for the establishment of scholarships for Muhammadans. I was present at that meeting and I suggested that Rs. 25 lakhs proposed to be set apart seemed to be a very large order. I therefore suggested that this sum of Rs. 25 lakhs may be spread over a period of 25 years, at the rate of one lakh a year so as to serve two successive generations of Muhammadan schoolboys, but nothing was done in fulfilment of that promise. I have made it clear that that promise was made not in this Council or anywhere in public but was given within the four walls of a room. Nevertheless, I consider that a promise like that, coming from an Education Minister, should be as solemn as a statement made by him openly in Council. But whatever may have been the fate of that promise, I submit, that so far as the first part of the resolution is concerned the Education Minister need not have any difficulty. He will only be repeating the pledges every hon'ble member of Government made before him. But since pledges are not enough and promises are not sufficient I have moved that as an earnest of their intention some beginning should be made this very year. It may be that a sum of Rs. 10 lakhs may seem to be extraordinarily high but let some beginning be made. Let there be something like a declaration from the Hon'ble Minister that some amount would be set apart. It will show that the principle has been accepted not only in theory but in actual practice. With reference to the resolution I would ask the Hon'ble Minister to remember that I have got two other resolutions, not exactly similar, but touching on similar questions of principle. I would ask him to let us know how far he is prepared to go in these matters. I will not take up the time of the Council any longer. I have raised a discussion on this question in order to draw his attention to a grievance which is very keenly felt and to emphasise a desire which, I think, is almost universal among the Moslem community. I expect to hear something from him in reply which will not force me to press the resolution to a division. But, Sir, whatever may be the fate of the resolution, if I find that the reply is not sufficiently sympathetic, or does not promise to bring forth much greater fruit than the promises in the past have

done, irrespective of consequences I will ask a division. I now expect the Hon'ble Minister to tell us what he has got to say with reference to this resolution.

Dr. MARESH CHANDRA SEN GUPTA: There are only two things I would like to say with regard to this resolution. I have every sympathy with any resolution which seeks to advance the education of the people—of Hindus or Muhammadans, depressed classes or of any one else. But before resolutions of this character are placed before the Council, hon'ble members who move them would do better if they had thought out a scheme, something upon which that money could be spent, instead of coming up with an appeal for funds without any definite purpose. I would give Mr. Fazl-ul Huq not only Rs. 10 lakhs but Rs. 20 lakhs or a crore. I would even have the whole of the revenues of Bengal ear-marked for Muhammadan education if only he would tell us exactly on what the money is going to be spent, and if he could give us an assurance that the money would be spent on the education of Muhammadans, and to educate them out of their narrowness, educate them out of their narrow separatism and out of that tendency, in season and out of season, to sacrifice the larger interest of the nation, nay, even the vital interests of the nation to ephemeral personal or communal interests.

Mr. B. C. CHATTERJEE: I must say that I am in entire sympathy with the resolution moved by Mr. Fazl-ul Huq. It is an unfortunate fact, but it is a fact all the same, that our Muhammadan brethren have not made the same pace in education that the Hindus have, and that being so, it is to our common interest to see that our Muhammadan brethren come up with us in the sphere of education, and along with most of the Hindu members of this House I would like nothing better than to see some special scheme framed for the promotion of Muhammadan education on a greater scale than has been the case hitherto. The only point on which I would make an appeal to Mr. Fazl-ul Huq is that a matter like this could not possibly be decided on at a general meeting of the Council like this, but should be referred to a committee, which would be in a better position to decide this question. But, Sir, on behalf of my party I give him an absolute assurance of entire sympathy with the resolution that he has moved.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I find that there is general agreement in this House as regards the policy and the principle underlying the first part of the resolution of Mr. Fazl-ul Huq, and it goes without saying that I fully sympathise with the sentiments expressed in the first part of the resolution, namely, to set apart every year a sum of rupees ten lakhs for the advancement of Muhammadan

education. But the question of setting apart funds immediately for this purpose, as apprehended by Mr. Fazl-ul Huq, will be met with the usual reply which Government have been giving for the last two or three years, namely, that funds do not permit of incurring any new recurring expenditure. In fact, this has been repeated so many times by members of Government that I feel it would be futile, and it would merely tax the patience of the House if I were to repeat the arguments over again. There are certain things which are very important in connection with this resolution and the point raised by Dr. Sen Gupta, I consider, as very pertinent, namely, that there are at present no definite schemes which provide for an expenditure of any sum of money other than what is being spent for the advancement of Muslim education. As a matter of fact, Government in the past have attempted to provide special facilities for Moslem students in the shape of scholarships, in the shape of Moslem inspectors and in the shape of an Assistant Director of Public Instruction for Muhammadan Education. Government have also provided a number of scholarships exclusively for Muhammadan boys. Sir, I admit that owing to financial stringency it has not been possible to do what they would have liked to do in this respect. There is also at the present time a very serious problem facing not only the Education Department but, I believe, Muhammadans all over this province. There are two questions that require a definite decision. The first is the problem of reformed madrassas and the old-type madrassas. There are two schools of thought with regard to this subject. There are some who feel that the reformed madrassas have not been able to serve the purpose for which they were started, or to put it mildly, they have not been a complete success. There are others also who think that the policy of Government in denying assistance to the old type madrassas is entirely wrong and there should be a change in policy in this direction. Secondly, there is another school of thought which may not be large in number, but at the same time they are people with modern education and they feel seriously for the present state of their community in regard to education. Their opinion is that madrassa education is keeping back the progress of Muhammadan students, and this is one of the reasons why an adequate number of Muhammadan students are not available to take advantage of secondary schools in this province. There is no doubt that there is some force behind this argument, because we find that the number of Muhammadan students in secondary schools is gradually diminishing, at least their number is not increasing.

5-45 p.m.

At the present moment the department has got no definite Moslem opinion which will give them any idea as to what line they should

take up, as to whether they should try and concentrate on the madrassa education or restrict assistance to the madrassas and induce Moslem students to join secondary schools in larger numbers. Sir, in view of this very complicated but at the same time the most important question, I feel that it is absolutely necessary that a committee should be appointed to deal with and to obtain authoritative Moslem opinion on this question. It will be a committee on the same lines as was appointed to enquire into the Sanskrit education in Bengal. I would like to appoint a committee and would appoint it in the near future, because I feel that, without a committee, it is not possible for us to give effect to any scheme in connection with Moslem education. Therefore, Sir, in my opinion the appointment of a committee to consider this question is very important; and, if the committee is appointed, they can go into the whole question of Moslem education as to how we can induce Moslem students to take part in the secular education more than what they are doing now and what should be the policy for advancing Moslem education in Bengal. Therefore, I hope that, in view of my promise to appoint a committee, the hon'ble member will withdraw the resolution.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, in giving my support to the resolution which has been moved by my friend, Mr. Fazl-ul Huq, I must thank Mr. Chatterjee for the sympathy he has shown with reference to Muhammadan education and no less to my friend, Dr. Sen Gupta and every one in this House who have expressed their sympathy. I should certainly have been happy if in showing that sympathy they did not pass an indictment by charging the Muhammadan with communalism or forgetting the larger interests of the country. It is not a correct statement of facts, but I feel it is one of the reasons why the Muhammadan feeling has not been understood by even the Englishmen. I certainly feel that this is a matter which cannot be passed away without any comment from me. If narrowness exists in this part of the House, may I ask whether it is not narrowness to try to throttle the Primary Education Bill?

Mr. PRESIDENT: I am afraid we are not discussing that.

Khan Bahadur Maulvi AZIZUL HAQUE: I am showing this to say that they are trying to throttle———

Mr. PRESIDENT: You cannot go beyond the limits of the present debate and I do not see any reason why you should drag in the Primary Education Bill to illustrate your point.

Khan Bahadur Maulvi AZIZUL HAQUE: Very well, Sir. Every community and every man has his own point of view and because at times there is difference of opinion it is better that it should be understood that it is an honest conviction. I feel that the position of our party should be explained as to resolution of Mr. S. M. Bose which must have given offence to certain members of this House. The position so far as this party is concerned is this: that there was a resolution of Rai Bahadur Kamini Kumar Das in which there was a demand————

Mr. PRESIDENT: You need not refer to that.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, the resolution is practically the same as resolution of Mr. S. M. Bose with a little difference of detail.

Mr. PRESIDENT: I think you may resume your seat if you have nothing further to say about the resolution now before the House.

Mr. A. K. FAZL-UL HUQ: I think I should say a few words to explain our position with reference to this resolution. I am glad that my esteemed friend, Dr. Sen Gupta, has come to the rescue of the Hon'ble Minister by suggesting one way of dealing with the resolution. He has declared that nothing can be done for want of a scheme. I take it that the Hon'ble Minister had himself that reply in his pocket, but it has strengthened the position he has taken up by reason of the fact that the suggestion came from no less a person than Dr. Sen Gupta and also Mr. Chatterjee. However, so far as the resolution itself is concerned, I think it is not quite sufficiently encouraging to declare to the House that nothing can be done—not even a cowrie can be set apart in the budget—because of the fact that there is no new scheme that has been worked out. The Finance Member is looking daggers at me but I am only reminding the House that notice of this resolution was given a month ago, and certainly if Government wanted to fulfil the pledge given so long ago in the matter of encouraging the Muhammadan education the Hon'ble Minister would have been in a position to-day to declare that something would be done. So far as the budget is concerned, we have of course the stereotyped reply and we have got to hold peace by living on hope. Sir, I am not entering into any controversial matters, but I wish to remind Dr. Sen Gupta that now-a-days it seems that there is a conviction in many quarters that the spread of education will introduce communalism in this country. Go to the villages where poor Hindu and Muhammadan cultivators live side by side and you will find that they have no time for communalism. It is we in the towns who have the advantage and benefit of university

education who are struggling for power and other duties in the name of justice, in the name of the Simon Reforms and Dominion status. We are accused of being communal. It is a reproach which the Muhammadans share equally with the Hindus. I think both the communities can very honestly share the blame equally.

As regards the resolution itself I cannot say that the speech of the Hon'ble Minister has been very encouraging but my friends on this side of the House have requested me to give the Hon'ble Minister a chance. His promise to appoint a committee shows that he is in earnest about doing something and we will possess our souls in patience, because we are after all a long-suffering community and I wish to see how far the Minister, after having appointed a committee, can push forward the scheme. I have been requested by my friend not to press this resolution. I therefore beg leave to withdraw it.

The motion of Mr. A. K. Fazl-ul Huq was then, by leave of the Council, withdrawn.

6 p.m.

Alleged assaults and destruction of property.

Mr. SYAMAPROSAD MOOKERJEE: I beg to move that this Council recommends to the Government—

(*i*) that they do at once issue necessary orders to stop acts, specially on women and children, of alleged indiscriminate assaults and outrages as also the wanton destruction of property committed by the police and other executive officers during the last few months in various parts of the province;

(*ii*) that they do appoint a public Commission consisting of a majority of non-official members of this Council to inquire and report on such cases of assaults and destruction of property;

(*iii*) that persons found guilty by such Commission be adequately punished, and

(*iv*) that adequate compensation be paid by Government to the sufferers.

Sir, only last week we had a debate in this House on the assaults and outrages committed by the police during the last few months in different parts of Bengal. On that day references were made to numerous cases of unprovoked attack by the police and the detailed description of some of the cases, as supplied to the House by hon'ble members, amply disclosed the character of police hooliganism and the

bitter extent to which it might go, if left unrestrained. It must not be overlooked that the instances placed before us were not exhaustive but only typical cases, chosen not from any particular area but from different parts of the province. It should further be remembered that it may not be always possible for members to have a direct and personal knowledge of all such occurrences—even Hon'ble Members of Government who give emphatic replies to questions in this House cannot claim this, however omniscient they may regard themselves to be; the incidents placed before the House, where not based on personal knowledge, were based on information gathered after careful investigations by the members themselves or upon reports which emanated from unimpeachable quarters. It is not my purpose to-day to deal at great length with a large number of individual cases. If I have to refer to them, I shall do so by way of illustrations. I propose mainly to urge the necessity for the appointment of an independent committee of inquiry and to demand that the officers who may be found guilty should be adequately punished and the sufferers duly compensated.

Sir, I would pause here for a moment and ask Government with all the earnestness at my command if the interests of Government itself do not make it eminently desirable, nay imperative, that such an inquiry should be held. It cannot be denied that the activities of the police and their attacks upon innocent people have shaken the confidence of the public in the Government of the country. It cannot be denied that in spite of the demoralising effect of the Press Ordinance, allegation after allegation has been openly made accusing the police and other officers of deliberately committing violence, plunder and loot in different parts of the province. It cannot be denied that some of these instances have already been inquired into by non-official committees, the most important of such committees being the Contai Committee, presided over by our distinguished colleague and countryman, Mr. Jatindra Nath Basu. Sir, if that is the public feeling, if that is the atmosphere, if that is the suspicion, why suspicion—I say firm conviction in public mind—then is it not the duty of Government, a duty which it owes not only to itself but also to the province which is under its charge, is it not its duty to institute a thorough inquiry into these incidents and punish those who in the garb of defenders of the law have themselves been foremost in breaking the law? No responsible Government would hesitate to take advantage of a resolution like the one I am moving now and thereby make a final attempt to restore public confidence in its sincerity of purpose. One of the leading British newspapers *The Nation and Atheneum* in its issue of 18th June, 1930, referred to the violence which was reported to have been committed by the police in Bombay and ended with these words: "Nothing but the most

stringent and impartial inquiry by the Government of India followed, if the charges are proved, by drastic punishment can undo the harm that has been done." Sir, that is exactly the procedure which I am proposing and which would be suggested by every person, notwithstanding his race, creed or colour, who has the interest of good Government at heart. One of the great justifications of continuance of British Rule in India, which is trotted out in season and out of season by the friends and well-wishers of Government, is that the British Government guarantee a security of the lives and properties of His Majesty's subjects. Sir, it is no use deluding ourselves with false ideas about the present situation in the country. It is a fact, a hard and incontrovertible fact that that sense of security has been completely removed from the minds of hundreds and thousands of His Majesty's subjects, including persons who have had nothing to do with the civil disobedience movement—a sad commentary on British Rule in India but a very true one none the less.

Now, Sir, how can this lost confidence be restored? It can be restored only if Government is prepared to muster courage and do what decency and justice demand, do what any civilised Government would do under similar circumstances. There have been occasions when on the floor of this House, Government, in answer to specific charges of police excesses, has furnished information, either minimising the charges so brought or denying them altogether, depending on the reports of the local officers concerned. Take Sir, the case of the District Magistrate of Midnapore, who, according to a statement made by Mr. Prentice, has been doing "wonderful" work in his own district; the same gentleman, according to the non-official committee of inquiry presided over by Mr. J. N. Basu, has been guilty of disgraceful conduct. The reports of cruelty and torture committed in Midnapore have sent a thrill of horror and indignation in the minds of the educated community of Bengal. I ask Mr. Prentice how he expects people to have any confidence in a Government which refuses to inquire into such cases but takes the word of a District Magistrate, the person who himself is accused of wild behaviour, as the last and final word on the subject. Take again, Sir, the very unfortunate incident in Dacca when a student of the University died of injuries received at the hands of the police. I referred in my speech last week to some of the heartrending details of his death and there are special reasons why I should refer to this case again to-day. The Hon'ble Member was good enough, generous enough to express his regret at the tragic and premature end of a promising career. At the same time he was bold enough to assert that his death was the result of an accident. Sir, he took upon himself a great responsibility when he made that statement on the floor of the House. He referred to some report which was submitted by an Assistant Civil Surgeon or

some such person on the injuries the boy had received. But I have it on unimpeachable authority that his death was not an accident; the choice of this particular victim might have been accidental but the injuries inflicted go to show that it was a case of cold-blooded murder. Sir, I use this expression not on the spur of the moment but with a full sense of responsibility as to its significance. It has been well-said that "murder, though it hath no tongue, will speak." I hold in my possession a copy of the post-mortem examination report and the details of the injuries mentioned therein amply corroborate the statements I made on the floor of the House the other day. Let me at once say, Sir, that the victim was not a weakling but, according to the report, it was "the body of a well-nourished adult male." The details of the wounds are given and they recall to our minds the stories of the worst type of barbarism. There were five serious wounds in different parts of the body. There was hæmorrhage in the left lung. There was a tear in the stomach about one inch long and even at the time of examination there was a small quantity of blood on it. Under the column "More detailed description of injury," it is thus stated "There was a fracture on the top of the skull involving the frontal, two temporals and the left parietal bones. There was a large clot of blood pressing on the brain on both sides between the bones and duramater. There was also some effusion of blood in the substance of the brain on both sides." The climax comes, Sir, at the end. Under the column "Opinion of the Medical Officer as to the cause of death," there are these telling lines: "Death was due to the effect of the injuries described which are homicidal and ante-mortem in character." Sir, I must apologise to you for referring to these heartrending and sickening details once more but I had to do so because of the attempt, the futile attempt, of the Hon'ble Member in charge to minimise the gravity of the offence of the police. I would pause here and ask the Hon'ble Mr. Prentice if he still considers that the death of the unfortunate lad was due to any accident or that the conduct of the police was really "magnificent." There is also the report of the University Medical Officer on the injuries the boy had received. There are responsible and respectable teachers of the University who witnessed the whole incident. I ask, Sir, in the face of these facts does it lie in the mouth of a responsible Member of Government to get up in this Council and merely say that Government was satisfied with a report of its local officers and was not prepared to take any further action? I know, Sir, the evidence of a number of persons was recorded in this connection but we refuse to accept the verdict of the officers of Government on the evidence thus disclosed. When there is such an acknowledged difference of opinion between the version which Government asks us to accept and that of the eye-witnesses, does not the interest of Government itself

dictate that an independent committee of inquiry should go thoroughly into the question and find out who was responsible for this tragedy?

Sir, before I leave this topic, may I draw the attention of Government to a rather interesting passage I came across in Lyon's "Medical Jurisprudence for India" this morning? It is stated there that "homicide, or the murder of a human being is the most serious of all crimes, and it is punished"—perhaps in the next edition the word "sometimes" will have to be added—"as such under British rule in India, where life tends to be held rather cheaply." It remains to be seen, Sir, how Government proposes to interpret this proposition in respect of the incident under discussion.

Take again, Sir, the arrest, imprisonment and unconditional release of Professor Asananda Nag. That was the gentleman who was unfortunate enough to provoke the wrath of the police in front of the Presidency College. He was chased by them into a bookstall and assaulted there. He had the temerity to protest against this unjustifiable attack, was arrested and taken to the police-station. He was presented before the Magistrate and an absolutely false charge was brought against him, namely, that he was found picketing near Presidency College. The statement of Mr. Nag was disbelieved and the independent Magistrate, who was out to administer British justice with a vengeance, thought it wise to put greater reliance on the testimony of a European sergeant than that of an Indian professor. He was awarded the standard punishment, namely, six months' rigorous imprisonment. To cut the matter short, only some days ago after he had been in jail but for a few weeks, he was released unconditionally. The manner in which pressure was brought upon him to sign some sort of bond has been made known to all by Mr. Nag's statement to the press. The story narrated there, which, I hope, Hon'ble Members, including Mr. Prentice, have already noticed, gives us an idea of the way, the "wonderful" way, the "magnificent" way in which King's Government is being carried on. Sir, this is a case which deserves to be fully inquired into by a committee.

The Hon'ble Mr. W. D. R. PRENTICE: Will Mr. Mookerjee kindly let me see the statement? I have not seen it. I should like to hear his statement. I know something of Mr. Nag's case.

Mr. SYAMAPROSAD MOOKERJEE: I would refer the Hon'ble Member to the *Amrita Bazar Patrika* of the 15th July in which the statement has been published.

I do not know if Mr. Prentice will persist in supporting the conduct of the complaining sergeant or for the matter of that, whether this truthful upholder of law has already been awarded some special reward for meritorious service.

Reports are reaching us from different parts of the province of the reign of police terror and torture and there are a large number of respectable people who are prepared to come and give evidence before any impartial and independent committee of inquiry. Time does not permit me to refer to other detailed incidents, much though I would have liked to mention some of the amazing cases of persecution in different parts of the district of Birbhum, such as at Suri, at Dubrajpur, at Sainthia, at Rampurhat and other places. Specific instances have been brought to our notice where innocent persons have been unjustly and brutally assaulted, where properties have been recklessly destroyed or forcefully snatched away—often such acts of lawlessness being committed while the District Magistrate and the Superintendent of Police were staying at the centre itself.

Sir, I do not want to go into other specific cases now for my object is not so much to hold a discussion on individual wrongs, as to urge Government to stop these acts of oppression, to appoint an independent committee of inquiry, to punish the offenders and to redress just grievances. Sir, if Government comes forward with the statement that no inquiry is called for because its officers had not done anything except acting in accordance with the general policy and instructions issued from headquarters, that these high-handed acts, these oppressions but represent the settled policy of Government, that policy being to make an effort, a vain and mad effort, to terrorise an entire nation into subjection, if Government comes forward with that statement, and is thus prepared to take off its mask, then Sir, I shall certainly appreciate the opposition of Government to my motion. But the Hon'ble Member-in-charge may, on the other hand, say that Government sternly disapproves of police excesses, is as anxious as anybody else to mete out punishment to those of its officers who have been guilty of violence and cruelty, and that it is as anxious as anybody else to see that its prestige is maintained unimpaired and the lost confidence is restored again. If that is his view-point, then I hope the Hon'ble Member will accept my resolution. Such a step might go against the recent policy of irresponsible misrule which has characterised the activities of the officers, but it would be consistent with the highest notions of good and orderly Government in any civilised country; it would then be consistent with the declaration of the Hon'ble Member that dissemination of truth, and not its suppression, is one of the chief objects which Government holds dear to its heart.

Babu JATINDRA NATH BASU: Mr. President, Sir, I rise to support the resolution of my friend Mr. Syamaprosad Mookerjee. The acts to which he takes exception are such that any Government with a sense of responsibility—which all Governments should possess—should

not ignore in the way the Government of Bengal has ignored the complaints that have been pouring upon us during the last few months. Sir, I am prepared to admit that certain exceptional circumstances have arisen which require exceptional measures. There is, for example, the civil disobedience movement. By all means, Sir, let Government take every step that is necessary to put down or to counteract its evils. But in the name of putting down civil disobedience movement acts are being done on behalf of Government by its officers and employees which cannot but be a shame to any man—not to speak of a civilized man. Sir, the modest request that my friend makes is that there should be a committee of inquiry. The various questions that have from time to time been put to the Hon'ble Member in charge of police administration in this province have been answered by the reply, "There is the statement of the local officers, and Government must take it as final." If the Hon'ble Member had gone to the interior—to the places from which these complaints came—he would have found devastated houses, inmates severely injured and human life and human property, for the protection of which Government existed, taken no note of. If that is the real attitude of Government they should boldly declare that whether you are an offender or not an offender, we all oppress you in any way we like, because there have been some cases of breach of law in your locality.

6-15 p.m.

Sir, in the villages I visited in the district of Midnapore there were some cases of the breach of the salt law, that is to say, there were cases of manufacture of contraband salt. But the way the authorities dealt with the situation was that there was a police cordon drawn round the whole village, and whether the inhabitants were offenders or not, every home was entered into, the inmates seized and beaten and the household property destroyed. I am sure that even in the centre of Africa, which is backward, we do not find a situation similar to what has been happening in Bengal—in British India—for the last few months, and upon which we cannot but look with disgust and shame. Sir, why should Government be afraid of coming out into the open and why should they not appoint an independent committee and let people produce evidence before it to see whether persons who have been injured and whose rights have been trampled upon have been really offenders against the law? I personally examined over 100 such persons and found that out of those persons about 15 were really offenders and the rest were ordinary peaceful citizens who had nothing to do with breaches of the law. But they were not let alone: they also had to suffer. If there is an independent committee there will be an opportunity for these men to come forward and give evidence.

They are, Sir, men who want to live peaceful lives, go about their usual avocations in the ordinary way, but even they were interfered with. In some cases the method adopted by the police was to enter the houses of the villagers at night when they were at rest, after 10 o'clock in the night and to beat them and destroy their property. That was done not only in the subdivision of Contai but also in Tamluk and Ghatal. My friend Mr. Syamaprosad Mookerjee has referred to a similar incidents in other districts. Government will no doubt say, "Here is the report of the local officer who is a subdivisional officer or a head constable or a daroga. Our officer states that the occurrences to which you refer did not happen but that the state of affairs there was different, and we accept the report of our local officers as truthful." Sir, the attitude that the Hon'ble Member in charge of Police has shown throughout was that he believed in everything that his local man said. If that is the correct attitude no business man in the world could do any business. In the business world we do not rest satisfied with merely relying on the man on the spot. Without local audit and inspection the business would very soon come to grief. The Hon'ble Member has not taken any note of the serious complaints that are made to him but has brushed them aside as if they do not exist. If that is to be the attitude of Government in such an important matter then the members of Government do not deserve to be in charge. They must make room for others. Sir, what really is the function of a Government? The duty of a Government is not merely to see that there is a machinery for administration but also to see that that machinery does not press unnecessarily hard upon the people—whether in normal or abnormal times. I submit, therefore, that the request for the appointment of a committee is a very modest one and should be accepted.

Mr. C. R. DAIN: Sir, I desire to enter an emphatic protest against this resolution particularly on the ground that it does a gross injustice to the Calcutta police. I was unfortunately a reluctant witness of a great deal of rioting and street fighting in Calcutta. I use the word "unfortunately" because I have no more desire to be in those places where brickbats were flying, than any other member of this House; hence I use the word "unfortunately" in regard to myself in relation to those events. But I will just try and give you some idea of the provocation which the police received on one or two occasions that I have witnessed. About 4 or 5 months ago some people wounded in a street fighting had taken shelter in a certain room on the floor of which certain European sergeants, as well as constables, were lying seriously injured. When the time came to restore law and order in that area, it was complained that more force was used than was required. On another occasion, not more than 2 or 3 miles from this

place, I was also an unfortunate witness of a young girl being put into a taxi, being rather badly hit about, and the duties of the parawallas who were on duty there and who came to her rescue were considerably increased and rendered difficult and it was a long time before 4 stout parawallas and a few sub-inspectors could extricate her from the hands of the mob. Yet they came with the necessary force and restored law and order there. And when law and order was restored one found these parawallas and constables again on duty on the spot quite amidst the provocation that was offered them. Again, we must remember that these men were tired and hungry and had frequently to be on duty for double spells, but, yet in spite of this considerable inconvenience and provocation which were very tiring, these police officers did not retaliate in the least. It has been suggested that when they were ordered to "lay on" an unruly mob they used more force than was absolutely necessary. On this point, Sir, I claim to have special experience. I have seen some worst street fighting in my own country and I have also seen some worst street fighting in Calcutta during the *Ids* of April. I maintain, Sir, that on those occasions when they were ordered to "lay on" they only did so and used force that was only warranted by the situation. I was an eye-witness on two occasions to very serious street fights which took place, to my mind, in the dirtiest and most dangerous spots I have ever seen. And if the police officers did not take immediate action or order firing they would be seriously blamed for neglect of duty and there might be very much more loss of life and material injury.

Another point has been raised in this resolution with regard to the treatment of women—I mean women working as picketers. I am in a position to state, on information given to me, that for one solid month the authorities allowed those women to continue picketing because they hoped that the natural course of events would come to their rescue and sanity would come to prevail. But that was not the case and after one month the authorities were obliged to take action. Surely members of this House would not suggest that if a woman uses her womanhood as a shield to protect herself from the consequences of law breaking, she would not forfeit her right to be leniently treated and that necessary action should not be taken against her.

It has been said, and I think generally accepted also, that the City of London has the finest police in the world, but I would suggest that the City of Calcutta possibly has also the finest police in the East and I say therefore that if this resolution were passed, it would cast slur on this magnificent force and also would be grossly unfair to them.

I am sorry, Sir, I cannot speak for the rest of Bengal as I have no experience of the mufassal. But when we find that the mufassal police

also is drawn from the same source, from the same recruiting ground and trained in the same way as the Calcutta police, and as they are largely drafted into the Calcutta police, it would seem rather a little hard to make these charges against the police force of Bengal.

Mr. NARENDRA KUMAR BASU: I rise to give my whole-hearted support to the resolution now under discussion. I shall not tire the patience of the House by again mentioning the various incidents that have been mentioned, in this House as typical of the action of the police authorities during the last few months. I shall only say this: that so far as this Council is aware and so far as I am aware, I imagine that no incident that has been brought to the notice of the Hon'ble Member in charge of the Police except the incident of the Dacca student has been accepted by him as true. Every other incident has been denied but denied on what grounds, Sir? It has been denied on the ipse dixit of the very persons charged with having committed the offence; I seriously doubt whether the Government of Bengal in the year 1930 purport to uphold the Britishers' proud boast that they have brought peace and justice to the land. Is it fair and just, Sir, that such incidents should be explained away on the mere ipse dixit of persons who themselves are said to be concerned in them? I would like to ask the Hon'ble Member of the Government to consider how much idea of justice in their administration can be left in the minds of the people of this province under these circumstances. I take it that the member who just preceded me was under the impression that he spoke against the resolution but my submission is that his speech contains strong grounds for supporting it, at least the second clause of the resolution, which asks for the appointment of a commission of inquiry.

6-30 p.m.

Sir, he has stated that he has special experience of street fights in Calcutta. I do not pretend to be an authority on street fights and I do not remember to have been a party in any, but I do say that if there are street fights in Calcutta in which the police takes part, and in which indiscriminate assaults and outrages are committed, even if there is the gravest justification for it, I submit that it does make out a case for inquiry. He stated that the provocation that the police received was tremendous. Well, if the provocation was there, the police had to administer law and they had to act according to law. No provocation in the world justifies the police attacking innocent people, specially women and children. We have been told that after the London police the Calcutta police is the best in the world. I ask the Hon'ble Member-in-charge—does any member of the London police use lathis on innocent people? I would ask him—do they use lathis even on criminals? I do say, subject to correction, that a lathi is in some

respects a more deadly weapon than a knife or a revolver. A lathi wound festers and festers and does not heal. I am a layman, but I do say in the presence of the Surgeon-General and my friend Sir Nilratan Sircar that in my experience as a lawyer I know that the lathi is really a deadly weapon. To arm the police with a regulation lathi and send them out into the streets to commit outrages, it does not matter whether it be upon innocent people or not, is I submit the gravest mistake on the part of Government. It is suggested that as the Government has made some sort of inquiry no further inquiry is necessary. It has already been said that an inquiry by the accused person is no inquiry whatsoever, and no Government in the world should act upon the results of such an inquiry. But speaking frankly the people have lost all faith in the honesty and sense of justice of the Government as it is now administered. Because a certain section of the people are out for civil disobedience and out to commit—I would call it by its proper name, unlawful acts—it should not require the Government to commit assaults and outrages on the people. Government by frightfulness will not do and Government ought to know that they cannot be for ever governing the people by trying to beat down as many women and children as they can. I thought the first part of the resolution, which is to the effect that they do at once issue necessary orders to stop acts, specially on women and children, of alleged indiscriminate assaults and outrages as also the wanton destruction of property committed by the police and other executive officer during the last few months in various parts of the province would be accepted by Government. I should have thought that any civilised Government, nay, even the Bengal Government, would accept that without any hesitation. But from the answers given by the Hon'ble Member in charge of the Police Department during the last few days it appears that whatever the police has done has the support of the Government; for example even in the Garpar matter, they said no such act was done; but that they approved of it because it was done under trying conditions. This is a sort of psychology which passes my comprehension. How can Government approve of something which was not done? This reminds me of the Irishman who fell from a scaffolding and on being asked if he was injured said "No, no, I am not injured, I am rendered dumb." Government approves of something which the Government said was not done. I submit, Sir, that that really is not the attitude in which these things ought to be taken. I know that the Englishmen who founded the Empire had broad views and commanded the respect of our fathers by their sense of justice and fair play, but that race has gone and now we have men who are shopkeepers and pettifoggers, but these men must rise to the height of the occasion and do what is but right by appointing a committee of inquiry which will have the confidence of the people. I do say that

the hole and corner way in which such inquiries are held is something which will never have the confidence of the people, and without the confidence of the people any number of acts of frightfulness will not allow the Britisher to continue to reign over this land.

[At 6-40 p.m., the Council was adjourned for prayer and it reassembled at 6-50 p.m.]

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I have listened with considerable interest to the denunciation of the police by the various speakers with the exception of Mr. Dain, but when listening to the various charges I console myself by remembering the remark made by Mr. Fazl-ul Huq at the time of the demand for police grant that he believed that 99 per cent. of such charges were false. I am not particular about the exact percentage but I am certain that a very large number of the allegations made are entirely without foundation. If they were true, I should admit that there might be a case for inquiry, but it is obviously impossible for Government to consent to a committee of inquiry in conditions such as exist at present. One or two of the speakers casually referred to the civil disobedience movement. Surely, the real fact of the situation is that it is the civil disobedience movement, and not the police, that has been responsible for all these, as is carefully stated in the resolution, "alleged" criminal assaults and outrages. What is the origin of the present trouble? When civil disobedience movement was started the orders given to its officers by Government were that they were not to advertise it by paying undue attention to it but to treat it as an ordinary administrative problem. In the case of the salt movement they were not to deal with the individual at all but to confine themselves to the illicitly manufactured salt and the vessels and other articles used in connection with the manufacture. Unfortunately, however, that non-violent civil disobedience movement speedily became violent and opposition was offered to the police in carrying out their lawful duties, and the situation so developed that in some places mobs of thousands attacked the police. It was in the exercise of their lawful duties, that the police had to disperse the crowds, and the force used, I make bold to say, in spite of the allegations hurled so lavishly against the police, was in practically no case in excess of the minimum requirements. Mr. Basu dilated upon the lathis and said that the London police never use lathis on innocent individuals. I can only say that when the London police have to use their batons they do not inquire whether the persons to be dispersed are innocent; each has to look out for himself. However, my point is that this allegation of indiscriminate assault is entirely unfounded. What the police have done they have done in defence of law and order and to

protect the province from the results of the civil disobedience movement and the chaos in which that movement, if unchallenged, would have landed us.

I am not going to deal with all the specific cases that have been mentioned; I would like to mention only two: one, the case of the Dacca student who lost his life, and the other, the case of Professor Ashananda Nag. I would only remind the members of this Council of the proceedings before the District Magistrate; there was an inquest held under the provisions of the Criminal Procedure Code at which 21 witnesses were examined, among them three medical men, (1) the Civil Surgeon, (2) the Assistant Surgeon, and (3) the University Doctor. On the occasion of the demand for police grant, I think it was Mr. Mookerjee who made allegations against the Assistant Surgeon. I would only refer him to the evidence of the University Doctor.

The evidence of the University Doctor is "I found one of the young men unconscious. I could not find any mark of external injury on him, except an abrasion on the nose, and a slight abrasion just over one eye." That, Sir, is the evidence of the University Doctor who was called in to examine that young man when he was taken to the Curzon Hall. I submit that the members who are not prepared to trust an Assistant Surgeon perhaps may attach some importance to the evidence of the University Doctor. As regards the remark in the post-mortem report about the injuries being homicidal, the Assistant Surgeon, when examined by the District Magistrate, said that the word "homicidal" in the post-mortem report was used in contradistinction to the word "suicidal."

I submit that on the facts stated that case does not give any grounds for a resolution such as this calling for a committee of inquiry more especially as that case has been carefully inquired into in a court of law.

Dr. NARESH CHANDRA SEN GUPTA: May I ask a question?

Mr. PRESIDENT: You cannot put any question unless the Hon'ble Member gives way.

The Hon'ble Mr. W. D. R. PRENTICE: The next case I refer to—I would not have referred to it but Mr. Mookerjee or Mr. Basu or somebody else has taken upon himself the responsibility of giving or stating the alleged particulars of the case regarding Professor Ashananda Nag. I can give you the facts. I think it was the day after Professor Ashananda Nag had been convicted that his father, a member of this Council, came and asked me whether it was not possible to get his son released. He said that his son was not guilty and that he had no-

sympathy with the picketers and that he was wrongly convicted. I said that after all he had been convicted by a court of law on evidence given in a court of law, but I would examine the record and see what could be done. I did examine the record and the evidence that was given and found that Professor Ashananda refused to give any evidence or to cross-examine the witness and that the Magistrate after hearing the evidence had decided to convict him on the facts on record. I submit that this case has been tried in a court of law and that Mr. Mookerjee cannot say that the case has not been inquired into. Later on another friend of Professor Nag saw me and said that he was innocent. I showed him the record with the Magistrate's decision and said, "Here is a man who has been put on his trial in a court of law which has convicted him: it is not for Government to say that the court was entirely wrong. However we have given orders to the Chief Presidency Magistrate that if any person who has been convicted of this kind of offence chooses to apologise and says that he will not do it again and gives an undertaking to that effect we will release him. We will not insist on an apology in this case but if he gives the undertaking I am perfectly willing to take that and let him go." This friend of his went away to see Professor Nag in jail and he wrote to me that he had done his best to persuade the Professor to accept the offer but Professor Nag refused to accept it on the ground of principle. This mutual friend in his letter said that he had talked to Professor Nag and tried to shake his views on the question of principle but had failed. Subsequently I discussed the case again and finally decided to release Professor Nag on his father giving an undertaking for him. His father has given that undertaking and Professor Nag has been released. This is the unconditional release of Professor Nag to which some members have referred in support of this resolution. This resolution asks for a committee to inquire into alleged indiscriminate assaults and outrages on women and children. I deny entirely that there is any justification for such an allegation. In the Calcutta Police Act you will find that there is a special provision enjoining the police to act with strict regard to decency and with reasonable gentleness while dealing with women and children. I submit that the occurrence that took place the other day at Garpar Road shows how far the police go in trying to avoid trouble with women. However that may be, the extent to which women have been used or misused in support of this policy of civil disobedience has led Government to consider seriously whether they should not give some directions to their officers throughout the province as to the manner in which women should be dealt with. And part of the instructions issued was that the use of physical force against women even to the extent of lifting them up and putting them on one side should be avoided and should only be used when other

methods had failed. "If persuasion, official or non-official, fails, endeavours should be made to separate the women from the male picketers either by removing and dispersing the men or by putting a cordon of police around the women. If, however, these methods fail and it is found impossible to disperse the women quietly in any other way then recourse must be had to the arrest and removal of the leaders of the women picketers." I submit that we have done everything possible to protect women from the consequences of their folly and I am perfectly certain from the reports that have come in from the various districts that these orders have been carried out with the utmost care.

I know that it is alleged by speakers that the information in the reports that come from the police should not be believed and that only those reports which they receive and which contain all sorts of stories of zooloom on the part of the police should be believed. It is also said that the police should be disbelieved because they are the very people who did the zooloom or under whose orders these were carried out. I submit that this is an incorrect statement of facts. On every occasion the report submitted is the result of inquiries carried out by senior officers into events or occurrences at which they were not present. The District Magistrates generally send the reports; they try to discover what the real facts are and there is no reason for questioning the honesty of the officers on the correctness of their reports.

A great deal has been said about the innocent victims of police oppression. Have the Council heard anything about the other side of the picture, and the injuries which the other side has inflicted on the police? In Calcutta 11 gazetted officers, 9 Indian officers, 42 European other ranks and 54 Indian other ranks have received injuries, some of them very serious, since the movement started. In the mufassal 2 sub-inspectors and 1 constable have been killed, 1 sergeant, 3 sub-inspectors, 5 assistant sub-inspectors, 4 head constables and 57 constables have been injured. Of the injured 1 assistant sub-inspector and 1 constable subsequently died of their wounds. I submit that this is not the work of innocent people on whom the police are working zooloom. I submit that these figures prove conclusively that the police have met with violence while carrying out their duties of maintaining law and order.

It is useless for me to go through the other incidents that have been discussed because nothing I may say, no account that I can give from the official records, will convince the gentlemen who make these allegations. I can only say that I do not believe myself that so far as Government is concerned there is any ground for these allegations. I deny that there is any such policy of repression or oppression. The orders that Government have given to their officers are to enforce law and order, when the other side starts breaking the law and to maintain

as far as possible peace in the province. In carrying out these orders the police have had to face dangerous and difficult situation and I have no hesitation in saying that whether in Calcutta or in Bengal all ranks of the police, from the lowly constables to the senior gazetted officers, have one and all done their duty magnificently with wonderful loyalty and discipline and they have shown most admirable self-control in dealing with the situation. If there had been the indiscriminate and wanton assaults on the people in dealing with the situation as the mover of this resolution and those who spoke in support of it have alleged, if these allegations had been correct, then I am perfectly certain that the casualties on the other side would have been infinitely greater than they have been. I deny as I have said before that there is any occasion for an inquiry. It is unfortunate that the general allegations against the police always make it difficult for their officers to deal with occasional cases of misconduct but I do know of cases in which officers have taken action against members of the force who have exceeded what is right and proper in the discharge of their duties and the officers of Government will continue to do this whenever it is necessary. But no general commission of inquiry would be justifiable and I strongly oppose this resolution.

The motion of Mr. Syamaprosad Mookerjee was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.	Poddar, Mr. Ananda Mohan.
Baksh, Maulvi Syed Majid.	Rai Mahasai, Munindra Deb.
Banarji, Rai Bahadur Kashab Chandra.	Ray, Babu Khatter Mohan.
Basu, Babu Jatindra Nath.	Rout, Babu Hoseni.
Basu, Mr. Narendra Kumar.	Roy, Babu Haribansa.
Bose, Mr. S. M.	Roy, Babu Satyendra Nath.
Chatterjee, Mr. B. C.	Roy, Mr. Bijoy Prasad Singh.
Choudhury, Maulvi Nurul Absar.	Roy, Mr. Saileswar Singh.
Chowdhury, Maulvi Abdul Ghani.	Roy, Mr. Sarat Kumar.
Dutt, Rai Bahadur Dr. Haridhan.	Roy, Mr. Shanti Shekhareswar.
Fazlullah, Maulvi Muhammad.	Roy Choudhuri, Babu Hem Chandra.
Ghose, Dr. Amulya Ratan.	Sahana, Babu Satya Kinkar.
Guha, Babu Profulla Kumar.	Samad, Maulvi Abdus.
Hakim, Maulvi Abdul.	Sen, Rai Sanib Akshoy Kumar.
Hoque, Kazi Emdadul.	Sen Gupta, Dr. Naresh Chandra.
Mittra, Babu Sarat Chandra.	Singh, Srijut Taj Bahadur.
Mookerjee, Mr. Syamaprosad.	Sircar, Dr. Sir Nilratan.

NOES.

Bal, Mr. Sarat Chandra.	Farequi, the Hon'ble Khan Bahadur K. G. M.
Basir Uddin, Maulvi Mohammed.	Ganguli, Rai Bahadur Susil Kumar.
Burn, Mr. N. H.	Ghuznavi, the Hon'ble Alhadj Sir Abdelkarim.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.	Guha, Mr. P. N.
Chawdhury, Haji Badi Ahmed.	Gurner, Mr. C. W.
Clark, Mr. I. A.	Haider, Mr. S. K.
Cohen, Mr. D. J.	Hegg, Mr. G. P.
Dain, Mr. G. R.	Hopkyns, Mr. W. S.
Dash, Mr. A. J.	Huq, Khan Sahib Maulvi Fazlul.
Sassen, Mr. G. A.	

Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Mr. Razaur Rahman.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Prevash Chunder.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. E.
Sumner, Mr. C. R.
Twynam, Mr. H. J.

The Ayes being 34 and the Noes 39 the motion was lost.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 21st August, 1930, at the Town Hall, Calcutta

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 21st August, 1930, at 3-15 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 106 nominated and elected members.

The Hon'ble Mr. A. MARR: Before we proceed to the business of the day, I have a suggestion to make for the approval of the members of this House. We have all been present just now at a very pleasant ceremony and I propose that a permanent record of this should be kept as an appendix to the proceedings of this Council. †

Mr. PRESIDENT: I am extremely thankful to the Leader of the House for this suggestion. As it is the wish of you all that an account of the ceremony in connection with the unveiling of my portrait by His Excellency the Governor should be preserved, I, with the concurrence of the House, order that a record of that ceremony be kept with the proceedings of this meeting as an Appendix. I can assure you all that I shall always consider it to be a distinct landmark in the history of this Council, bearing eloquent testimony to the overwhelming kindness of the hon'ble members of this House towards the President.

Starred Questions

(to which oral answers were given).

Appointment of Sub-Registrars.

*111. **Mr. SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state the names, university qualifications, caste and age of candidates who applied for the post of Sub-Registrars this year?

(*b*) How many of them have been appointed?

(*c*) Is it a fact that less qualified candidates have been appointed in preference to the better qualified candidates of the backward classes?

†*See* Appendix.

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) No: collection of the information asked for would entail an amount of labour which Government are not prepared to undertake.

(*b*) Twenty-seven.

(*c*) No.

Appointment of Sub-Registrars.

***112. Mr. MUKUNDA BEHARY MULLICK:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware that a certain number of appointments have recently been made in the Registration Department as Sub-Registrars?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the number of these appointments;

(*ii*) the number, if any, appointed from amongst the candidates of the backward classes (as enumerated on page 189, Part I of the Calcutta University Commission's Report);

(*iii*) the number of graduates appointed;

(*iv*) the number of undergraduates appointed;

(*v*) the number of appointments given to graduates and undergraduates separately on the nominations of the District Magistrates and Commissioners; and

(*vi*) the number of appointments made by the Government direct, graduates and undergraduates?

(*c*) Is the Hon'ble Minister aware that there were a fair number of candidates for these appointments belonging to the backward classes?

(*d*) Will the Hon'ble Minister be pleased to state the reasons for not appointing them?

(*e*) Will the Hon'ble Minister be pleased to state the rules, if any, which guide the Inspector-General of Registration in making his nominations?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) (*i*) Twenty-seven.

(*ii*) One.

(*iii*) Seventeen.

(*iv*) Ten.

(*v*) Graduates 13; Undergraduates 3.

(*vi*) Graduate 1; Undergraduates 5.

(*c*) Government have no information showing that there is any lack of candidates of the backward classes.

(*d*) One only was considered suitable for appointment.

(*e*) A copy of the rules has been laid on the library table.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Minister be pleased to state, with regard to answer (*e*), whether Government consider graduates to be less suitable for the appointment than undergraduates?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It depends on other qualifications.

Mr. MUKUNDA BEHARY MULLICK: Will the Hon'ble Minister be pleased to state what are the qualifications necessary for the appointment of Sub-Registrar?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not think it is possible to answer that question at short notice.

Fall in provincial revenue.

***113. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Finance Department be pleased to state the loss in the anticipated revenue from April to June, 1930, and how much they consider of this loss to be due to the present movement in Bengal?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): The fall in provincial revenues in Bengal, excluding debt heads, during the quarter ending June, 1930, as compared with the estimates in the budget, is Rs. 30,69,000. It is not possible to say how much of the above fall is due to the present political situation and how much is due to world trade depression and other causes, but the civil disobedience movement must be held responsible to a very considerable extent.

Mr. P. N. GUHA: Will the Hon'ble Member be pleased to state the data of the Hon'ble Member for considering that the civil disobedience movement is responsible for the fall of the revenue?

The Hon'ble Mr. A. MARR: It is rather difficult to give a comprehensive answer to this. I would instance the head of "Excise" alone. The movement as regards picketing of excise shops must have done a good deal to harm the excise revenue. The fall in the excise revenue alone amounts to about Rs. 9 lakhs.

Mr. P. N. CUHA: Will the Hon'ble Member be pleased to state if the masses have anything to do with the fall in the revenue of the province excepting in the matter of excise?

The Hon'ble Mr. A. MARR: I would also mention the instance of stamps. There is no question about it that this movement has affected our revenue under "Stamps."

Mr. P. N. CUHA: Does the Hon'ble Member think that the decrease in the revenue under "Stamps" and the income of courts is due simply on account of the civil disobedience movement and not on account of the world-wide trade depression?

The Hon'ble Mr. A. MARR: I have already said that it is partly due to the one and partly due to the other and it is impossible for me to divide between the two.

Babu SATISH CHANDRA RAY CHOWDHURY: Is there any other revenue affected by the civil disobedience movement besides excise?

The Hon'ble Mr. A. MARR: I have already mentioned stamps.

Unstarred Question

(answer to which was laid on the table).

Proposed primary education cess.

152. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing the total annual contributions which, according to the proposed Primary Education Bill, are computed to be made by the—

(*i*) holders of estates;

(*ii*) holders of tenures; and

(*iii*) cultivating raiyats, respectively?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) and (*ii*) Rs. 28,67,000 approximately. It is not possible to estimate separately cess to be contributed by holders of estates and holders of tenures.

(*iii*) Rs. 83,08,000 approximately.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Minister be pleased to state what will be the amount contributed by the holders as cost of collections of clause (*iii*)?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Maulvi ABUL KASEM: On a point of order. Do I understand that it finishes all the question of which notice was received by the department?

Mr. PRESIDENT: The President is not supposed to know what answers are ready. The answers that were on the paper have been delivered.

GOVERNMENT BUSINESS.

Government Bill.

The Bengal Criminal Law Amendment Bill, 1930.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, in moving for leave to introduce the Bengal Criminal Law Amendment Bill, 1930, I do not think that it is necessary to add much to what is stated in the Statement of Objects and Reasons appended to the Bill because the relevant facts are known to most of the members of this Council. I desire, however, with your permission to refer shortly to the events of this year. At the beginning of the year the Bengal Criminal Law Amendment Act, 1925, with its two main divisions, the first relating to what are generally known as Special Tribunals, and the second to detenus, was in force, but was due to expire on the 23rd April. In consequence Government had to consider anxiously the question whether the Act should be renewed and their decision was announced by His Excellency Sir Stanley Jackson in his address to the Council on the 25th March, 1930, in the following words:—

"As you are no doubt all aware, the Bengal Criminal Law Amendment Act of 1925 under a clause limiting its operation to five years is due to expire on 23rd April this year, I need not recount here the serious emergency which caused the Government of Bengal to arm themselves with the special powers provided by this Act, but my

Government have had to decide on the knowledge in their possession, and after a prolonged and careful review of the situation at this time, what their attitude should be towards the surrender of those powers, consequent upon the approaching expiry of the Act. After anxious thought my Government have decided not to propose on the facts at present before them the continuance of that part of the Bengal Criminal Law Amendment Act which grants to the Executive power of arrest and detention without trial. These powers were framed to deal with revolutionary organisations which have for their object violence and assassination. A revolutionary movement which sets these aims before itself is still in active operation in Bengal, though its more serious manifestations, in the shape of definite outrages, have not recently been prominent. But for the last three years it has been possible to keep the situation under control without fresh recourse to them. My Government have desired to do everything they could to seek, in co-operation with Indian opinion, a solution of our present difficulties, and they are therefore reluctant to invite the legislature to continue in existence powers, the occasion for the use of which we must all deplore. They sincerely trust that no emergency will necessitate their resumption, but they cannot conceal from themselves the possibility that such an emergency might again arise which might make it essential for them to be in possession of these powers. They have accordingly been in communication with the Government of India on this matter and I am authorised to state that the Governor-General in Council, and His Majesty's Government, if they are satisfied of the existence of such an emergency, will be prepared to approve the necessary steps for securing these powers to my Government again."

In accordance with this decision the Bengal Criminal Law Amendment (Part Continuance) Bill was introduced and passed by the Council on the 1st April. Under section 3 of that Act the detenu sections of the Bengal Criminal Law Amendment Act, 1925, were repealed and all preventive action taken under the Act of 1925 at once lapsed, and further action of the kind became impossible. The Act took effect from the 5th April and a fortnight later on the night of the 18-19th April, i.e., before the Bengal Criminal Law Amendment Act, 1925, would have expired in normal course, there occurred the outrage at Chittagong. It is not open to me to discuss the details of that outrage as a number of persons are undergoing trial at Chittagong on a charge of complicity in it, but it is sufficient for my present purpose to say that this incident in Chittagong convinced the Governor-General that the emergency referred to in the speech of His Excellency Sir Stanley Jackson on the 25th March had arisen and justified the issue of Ordinance No. I of 1930 to secure to the Government of Bengal the powers of preventive detention which they had previously possessed under the Bengal Criminal Law Amendment Act, 1925.

I do not suppose that after the occurrence at Chittagong any member of the Council questions the existence of the terrorist revolutionary movement against which the Bengal Criminal Law Amendment Act of 1925 and Ordinance I of 1930 are directed, and I am confident that every member of this Council feels it his duty to his constituents to ensure so far as lies in his power that Government are in possession of the powers necessary to prevent the recurrence of any such outrage. I can only add that conspiracies similar to that which resulted in the outrage at Chittagong are undoubtedly in existence at the present time and that Government are convinced that the movement is at least as dangerous now as it ever was previously.

This being the situation, Government have been compelled to consider what measures are necessary to meet it, having regard to the fact that Ordinance I which was issued on the 9th April will, in accordance with the provisions of section 72 of the Government of India Act, lapse on the 19th October, 1930. They have come to the unanimous decision that it is impossible under present conditions to allow the powers which have been conferred on them under the Ordinance to lapse in October next. Government have, therefore, decided to ask the Council to embody in an Act the provisions of Ordinance No. I of 1930. They have limited the period of the legislation to five years in the hope that before that time has elapsed conditions will have so altered that they can afford to take the risk of doing without this special preventive procedure. They have come to this decision with considerable hesitation, but they recognise that legislation of this kind is repugnant to the conscience of many members of this Council. They trust, however, that these members will be convinced by the inexorable logic of facts of the need for legislation of this kind and will come forward to support Government in its fight against terrorism by giving us the minimum powers which we are convinced are essential.

I can assure the Council that the powers given to Government by such legislation are not used indiscriminately and that they are never used against persons who are not concerned with the terrorist movement. Civil disobedience or political agitation are entirely outside its sphere. Nor are they used lightly or on mere uncorroborated suspicion. In every case there must be definite evidence from two or more independent quarters before action is taken. Indeed the system followed is that which was in force at the time of the Rowlatt Committee and of the Advisory Committee consisting of the Hon'ble Mr. Justice Chandravarkar and Hon'ble Mr. Justice Beacheroft and was investigated in detail by these two Committees. That system, I would remind the Council, was found so satisfactory that although the latter Committee examined 806 cases, they found only six cases in which they considered the grounds for the action taken to be insufficient. I can

assure the Council that the same care is taken now and will be taken in future to secure that no one is dealt with under the Ordinance or the Bill, if it becomes law, on inadequate grounds.

In these circumstances, I trust that the Council will grant leave to introduce the Bill which Government consider essential for the safety and tranquillity of the province.

Babu JATINDRA NATH BASU: Sir, I oppose the introduction of this Bill. It is admittedly an extraordinary measure. But it includes provisions which strike at the root of the liberty of the subject and the elementary principle that accused persons should be afforded reasonable opportunity for clearing themselves of the accusation against them. Incidents like the one that recently happened at Chittagong do not happen every day. Because events like that happen only at long intervals of years. There does not appear to be any reason why the Government should lose its equanimity and should not take action under its ordinary executive powers and under the ordinary criminal law, which is drastic enough in this country. It has not been shown that the ordinary law and the ordinary powers possessed by Government have failed. The Government should proceed to apply the law as it stands, and they will find that the law is wide enough to meet situations like those that have arisen. What is required is not more arbitrary power but far-seeing statesmanship which will recognise the rights of the people and will impose trust in the people.

The motion that leave be given to introduce the Bengal Criminal Law Amendment Bill, 1930, was then put and agreed to.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to move that the Bengal Criminal Law Amendment Bill, 1930, be taken into consideration.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th September, 1930.

In this connection, Sir, I would draw the attention of this House to the fact that this Bill does not commence before the date I have mentioned, viz., the 30th September, 1930. It is absolutely essential that a measure of this character should be examined by the country very thoroughly before it is put in force or considered by the Council. It is no doubt true that this Bill has not come to us as a stranger but as an old friend or an old foe. Nevertheless we must not forget that it is not a law which we are asked to enact but a measure which is the negation of law. You are taking away the elementary rights of the people by this piece of legislation. No doubt, Sir, in the

most civilised and well-regulated societies there will arise occasions and emergencies when the Government must be armed with special powers, but an emergency which necessitates such a step must be of a very grave character. The question is: "Does that grave emergency exist in this case." I have not been able to make myself believe that that Rowlatt Act which was the first of the series to which this Act belongs, was a necessity or that it did not do more evil than good. But, nevertheless, the original Act was based upon much stronger reasons and there was a much stronger case than can be offered for this measure. If you read the Rowlatt Report on the basis of which this Act was framed, you will find that at that time there was, or at any rate, Government had materials for believing that there was a very wide-spread conspiracy to overturn the Government of His Majesty the King-Emperor and the conspiracy worked secretly and raised a heavy toll of life. Does this condition of things exist now, or do we hear anything about it? The Hon'ble Mr. Prentice, in introducing the Bill, asks us to believe that there is. And why? Because a particular instance occurred in Chittagong. That was not the basis upon which the Rowlatt Act was passed. It was not because a particular man was killed or a particular armoury was raided or a particular conspiracy confined to, say, a hundred persons existed, that that Act was passed. A conspiracy like this would not justify the passing of such a drastic measure which affects the liberty of citizens generally. Sir, besides that it seems to me that the Chittagong case is not an answer to the question about the reasons for the Act. The Act was in existence. The old Act which was not re-enacted was in existence all through the time that the Chittagong conspirators must have been working and building up that organisation which gave a dramatic demonstration the moment the Act expired. The Act did not expire till a few days before the Chittagong outrage occurred. Therefore that conspiracy must have been in existence and it was a conspiracy which was certainly of a very serious character. If, armed with the old Act, the Government and all its advisers, and the hosts of the secret police, could not get hold of these persons and send them up, if they did not think it fit to proceed against these persons, and they could not lodge them in jail in spite of the existence of the Act, does that furnish any reason for the continuance of the Act which did not help them in preventing this occurrence? I should say, Sir, that that is a proof positive of the utter futility of a measure of this character. It did not help you to prevent a real conspiracy of this type. But it will help you to put in jail a number of persons who perhaps dream of things, who perhaps do some foolish things, but who are not capable of doing anything serious. Those people who can do serious things will not be touched by this Act. No measure of legislation will be able to touch them unless you have an efficient administration. Did you have that efficient administration at the time when the old Act was in existence and you were armed with special

powers? Were you able then to prevent the occurrence which took place at Chittagong? Therefore I think, Sir, that if there is a revolutionary conspiracy of this character, which is yet undetected, this Act will be absolutely futile against it. Just as it has been futile against the conspirators who have been responsible for the Chittagong incident, whoever they may be. Now, Sir, it is a fact that it does not matter to the Government whether we assent to the measure. But all the same we for our part can never assent to it until we are satisfied with the reasons. It is a measure by which the liberty of His Majesty's subjects will be placed at the mercy of the secret police—and that is a fact. Mr. Prentice has assured us that Government has taken elaborate precautions that no person will be sent to jail or proceeded against under the Act on inadequate grounds. I do not disbelieve him. I do believe that the members of the Government here do take every precaution that, upon the papers presented before them, there is a case for proceeding against a person under the Act.

3-45 p.m.

But what about the source of those papers? Well, Sir, ultimately, they are based upon information of persons who cannot be produced in court and who cannot be subjected to cross-examination by counsel. It is on the evidence of such persons who are not visible—there are lots of such persons in the secret service of the police—that the liberties of the people are taken away.

It is perfectly true, as the Hon'ble Mr. Prentice says, that Mr. Justice Chandavarkar and Mr. Justice Beachcroft, and other judges and officers, who had investigated these cases, did not find any case in which action was taken without proper materials. But I ask, Sir, on what materials?

Sir, there is no provision in the Bill—and I do not think it is suggested by Government that there is such provision—for placing the whole evidence before the accused persons so as to allow them to answer it or test it. Now, Sir, anybody who has anything to do with the practice and the administration of law knows that evidence which is not subjected to cross-examination is not worth the paper on which it is recorded. And it is such evidence on which action is proposed to be taken.

I do not say that the secret police always give false information. It is perfectly true that they give true information in a large number of cases. I do not for one moment suggest that all the members of the police, or even of the secret police, are corrupt. On the contrary, I think that as a body they constitute a set of valuable public servants. But nevertheless they are men, Sir. And when you rely upon the secret police alone, the possibilities of abuse—the temptations for

abuse— are very great. To justify their existence it sometimes becomes necessary for the secret police to manufacture reports to prop up cases. Well, in the case of a measure like this, which is of a temporary character—existing for five years only—it means that the life of those officers of the police, too, who are engaged in administering this Act will extend to five years only. And when the period of five years lapses, they have to fall back on something for continuing their existence. It is a question of bread and butter with them. Well, it is only human to expect that there will be at least some amongst the police who would not like to lose their bread and butter. I am not drawing on imagination. It is a fact which has been established by the history of other countries. And if the history of the Rowlatt Act and similar other Acts enacted in this country could be adequately studied, the same thing would be found. Sir, this was found to be the case in Russia during the Tsarist regime, when secret police was the order of the day and when there was no end to the number of persons who were sentenced to death, or banishment, or imprisonment, on the report of the secret police. The time came when the tables were turned on the secret police. And it was found that, as a matter of fact, in a large number of cases the people were persecuted by gangs of secret police, who manufactured evidence against them.

Well, Sir, can my hon'ble friend, Mr. Prentice, place his hands on his breast and say that there is not one man in the whole police force capable of that sort of thing. I know he cannot. But having regard to the way in which he has supported the police against all complaints—even complaints within the personal knowledge of members of this House—it makes us despair of getting proper scrutiny at the hands of the Hon'ble Member, which one might expect in the administration of an extraordinary measure of this character.

Sir, the Hon'ble Mr. Prentice asked us to be convinced—he reminded us of our duty to the electorate and to our constituencies, of the inexorable logic of facts—he asked us to be convinced that Government should be armed with extraordinary powers, and he wants us to be assured that Government will see that these powers are not abused. During the last few days we have been discussing numerous things which are within our knowledge. Has anything happened during that discussion which could convince us of Government's anxiety to keep the police in proper check? Are we in a position, having regard to the attitude taken up by the Hon'ble Member in connection with questions raised in this House regarding police outrages, to take him at his word that he will not rely upon the secret police as he has been doing in the case of the ordinary police?

Sir, generally, the police behave well, but there are cases of excesses by the police to our knowledge, but even in those cases the Hon'ble Member has stood up for them and said that he did not believe a single

word against them. In these circumstances, it is difficult to be convinced. I hope nobody will be convinced by a mere statement.

The Hon'ble Mr. Prentice has not condescended to bring before us any facts other than the Chittagong affair. The Chittagong incident belongs to past history. It happened before the expiration of the present Act.

Where are the materials upon which the Hon'ble Member asks this Council to be convinced that there is a *widespread* conspiracy which alone would justify arming Government with such powers? The Hon'ble Mr. Prentice assures us that there is a conspiracy. Is it great or small in extent? Is it widespread? Is it of such a character as to necessitate the passing of a measure like this? There is absolutely no material upon which the members of this House could be convinced of that or of the necessity for this measure, and I am sure that members of this House will remember their duty to their constituencies, of protecting the liberty of their constituents by not arming Government with powers for which no case has been made out.

Sir, all that we have got is an assurance—the statement of Mr. Prentice—that conspiracies similar to the Chittagong conspiracy exist. Well, Sir, possibly, Mr. Prentice may have at his command materials which lead him to make this statement. In any case, whatever materials he may have, unless there is evidence which is visible, unless the evidence which is within Mr. Prentice's knowledge is made available to the members of this House, they cannot agree to the passage of this Bill. Therefore, Sir, I move that this Bill may be circulated so that the country may have time, may have opportunity, to consider whether there is any foundation for the claim made by the Hon'ble Member that there is a widespread conspiracy of such a dangerous character as to necessitate the passing of a measure like this.

Rai Bahadur KAMINI KUMAR DAS: Sir, I come from Chittagong and this Bill has its origin in "the outrage at Chittagong." It has been introduced and not being pressed to division, I cannot say whether the majority of elected members who are expected to know public opinion have opposed its introduction. After introduction my hon'ble friend Dr. Naresh Chandra Sen Gupta wants that it should be circulated for public opinion. I oppose this procedure which will be dilatory.

The incident of 18th April described as outrage is nothing but the foolish act of some people which ought to have been attempted if at all 17 days earlier. It is the action of some wrong-headed persons who got hold of some young boys who in their zeal joined their party and heavily paid for it with their lives. I do not make any further statement on this as the matter is *sub judice*. The fact remains that some people did elude the vigilance of the police and committed

atrocities which are diabolical, which no person will support, which all will condemn and for which we people of Chittagong are extremely sorry. If the Hon'ble Member of Government in charge of administration and public security thinks that such an Ordinance is necessary, have it by all means as soon as possible, so that if any such incident happens in future, which I hope not, we will be able to take the Government to task if after failing to detect the boys in time they fall upon their poor parents.

Mr. NARENDRA KUMAR BASU: Sir, I beg to support the motion moved by my friend Dr. Naresh Chandra Sen Gupta. In fact, Sir, I gave notice of a motion on identical terms. We have heard from the Hon'ble Mr. Prentice that Government has got in its possession information of the existence of a terrorist movement at the present time in Bengal, and he wants the Council to help Government in putting down the terrorist conspiracies. Sir, the grounds on which this motion for circulation of the Bill has been moved by Dr. Sen Gupta have been exhaustively given by him, but I should like to put before the Council another point of view. The point is this: Government wants the help of the members of this Council to put down the terrorist conspiracies by passing this Bill, but the question is whether this Bill will in any way help in putting down those conspiracies. Sir, I would submit with great confidence to the members of this Council that no Act, rather no lawless law, of this description has ever succeeded in putting down terrorist conspiracies. So far as proceedings behind the *purdah* are concerned, Bengal is familiar with the working of Regulation III of 1818. When Babu Krishna Kumar Mitra and Babu Aswini Kumar Dutt were deported under that Regulation, we were told and told repeatedly that Government had reliable information in its possession to show that both these gentlemen were conspiring or were about to do something against public peace and His Majesty's Government. If I mistake not, it has now been admitted, even by officials, in regard to the cases of these two gentlemen, that for once at least Government was wrong. I shall not refer to the cases of other persons, I may say important persons, and ask Government whether the information before it in regard to these gentlemen was absolutely correct and whether it would not revise its opinion. But in the case of these two gentlemen Government acknowledged its mistake, although for more than a year these gentlemen were banished from their homes. One cannot say whether such things will not occur again under the present Bill.

4 p.m.

One does not know that the same thing will not happen under this present Bill if it is translated into law. As Dr. Sen Gupta has pointed out if the solitary instance of an anarchist conspiracy at Chittagong about which we can say nothing, as the case is *sub judice*, is an illustration of the terrorist movement, Government had the men and money

at their disposal to find it out, but did they get any report about this conspiracy before? This conspiracy could not have happened in one single moment, it must have taken time to develop. Government had the necessary powers at their disposal, since the last Act had been in force up to the beginning of April, but did the existence of that Act help the Government in putting down this conspiracy. Because Government has proved itself inefficient to find out the conspirators in time, they want to have additional power so that at any moment they might proceed against the people against whom the police might choose to report. One knows of false cases being engineered by police even in this country, even under this august and benign Government, and one knows about the Naraingarh train outrage case. One has seen how some cases, though partially true, are bolstered up with false evidence in court, and it is only very rarely that these things are detected even by cross-examination. But in the absence of any cross-examination what will the executive Government do? They will swallow every thing that is put before them by the police as gospel truth, the police against whom allegations are made, and refuse to see the other side of it. What guarantee is there that the mere *ipse dixit* of the police will not be enough? The vital question is whether this Bill, if passed into law, will really help Government in putting down the anarchist movement. I ask the House to agree to this motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th September, 1930, when there will be sufficient time before this present ordinance is due to expire.

Dr. AMULYA RATAN GHOSE: Mr. President, Sir, in supporting the motion brought before us by Dr. Sen Gupta, I beg to say that this is a very important law which is going to be introduced in our country. Sir, the anxiety of the Government to preserve law and order is equally shared by the people of this country. Our countrymen also are interested that conspiracies and other associations for the purpose of violence and revolutionary ideals should not exist in the country. It is also to the interest of the people as much as that of the Government that our countrymen should live in peace and order. Sir, a Bill which is going to take away the rights and liberties of the people should be placed before the general public for their opinion whether they want this sort of Act or not. It can be reasonably expected that the sober and reasonable sections of the people of this country will not be unnecessarily against the enactment of any law which will produce a salutary effect in our country. I do not understand why our people should go against it if this law is supposed to be of any good to the country. It is very much desirable that the people of this country should be given an opportunity to go through the details of the Bill in order to enable them to express an opinion on it. Sir, past experience has given us this impression that such Acts have done much

injustice to many people who are innocent. I know of cases where the purposes of the Act have been abused by the police. It is therefore in the interest both of the Government and the people that I say that a law which is going to take its root in the country should be well considered by the people and the Government alike. There is no need of hurrying a law which will be of great consequence to the people of this country. Therefore, Sir, it will be wise and prudent to allow this Bill to be circulated to give an opportunity to the people of this country to express their opinion on it.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I must oppose this motion. The proposal is that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th September, 1930. As I explained in my opening remarks, the present Ordinance under section 72 (3) of the Government of India Act lapses by the 19th October. If opinions are not received until the 30th September, then unless the President suspends the standing order, the next motion under section 52 (3) of the Council Rules will be that the Member-in-charge, if he wishes to proceed with the Bill, must move that the Bill be referred to a Select Committee. One consequence would then be that we will have to summon another session of the Council sometime in October in order to deal with this Bill. I doubt if this would be approved of by the members of this House. But apart from that, I say that the circulation of the Bill is totally unnecessary. This Bill proposes to re-enact practically exactly what was in the Act of 1925; that Act has been in force for five years. The contents of this Bill are well known and there is absolutely no reason to ask the opinion of the country upon it. If it were a new Bill containing new provisions, I might see some justification for this motion. I am afraid there is no such reason and I must oppose it.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon by the 30th September, 1930, was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bakth, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nurul Absar.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Lal Muhammad, Haji.
Mookerjee, Mr. Syamaprasad.
[illegible], Rai Sahib Surat Chandra.
Nag, Babu Suk Lal.
Podder, Seth Hunuman Prasad.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemni.
Ray, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar.
Ray Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Sircar, Dr. Sir Nilratan.

NOES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Esseen, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sueil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. G. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur.
Ray, Mr. Sarat Kumar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshay Kumar.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 29 and the Noes 69, the motion was lost.

[At 4-15 p.m. the Council was adjourned for prayer and it reassembled at 4-25 p.m.]

The following motion was not called as it was covered by the foregoing decision of the Council:—

MUNINDRA DEB RAI MAHASAI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting public opinion thereon by the 10th September, 1930.

Mr. PRESIDENT: I am told that Munindra Deb Rai Mahasai has not forwarded to the Secretary acceptances from members whose names he has mentioned in his amendment. I had given a warning some time ago that if these acceptances are not forwarded to the Secretary I will hold that such amendments are not properly made and cannot therefore be moved.

The following amendment was not therefore taken up:—

MUNINDRA DEB RAI MAHASAI to move, by way of amendment, that the Bill be referred to a Select Committee consisting of the Hon'ble Member in charge of the Political Department, Mr. W. S. Hopkyns, Babu Jatindra Nath Basu, Mr. Bijoy Prasad Singh Roy, Mr. S. M. Bose, Dr. Naresh Chandra Sen Gupta, Babu Satish Chandra Ray Chowdhury, Mr. B. C. Chatterjee, Raja Bhupendra Narayan Sinha Bahadur, of Nashipur, Mr. Syamaprosad Mookerjee, Mr. Narendra Kumar Basu, Munindra Deb Rai Mahasai, Mr. A. K. Fazl-ul Huq, Maulvi Abdul Hakim, Khan Bahadur Maulvi Azizul Haque, Maulvi Abdul Karim, Maulvi Syed Jalaluddin Hashemy, Maulvi Abul Kasem, Mr. H. S. Suhrawardy, Mr. Amulya Ratan Ghose, with instructions to submit their report by the 15th September next and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. NARENDRA KUMAR BASU: Sir, before I move the amendment, may I point out that I was not able up to yesterday to obtain the assent of Mr. Jalaluddin Hashemy. He has come to-day and has signified his willingness to serve on the Select Committee if one is appointed.

I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Member in charge of Political Department;

(2) Mr. B. C. Chatterjee;

(3) Dr. Naresh Chandra Sen Gupta;

(4) Mr. A. K. Fazl-ul Huq;

(5) Khan Bahadur Maulvi Azizul Haque;

(6) Maulvi Syed Jalaluddin Hashemy; and

(7) myself

with instruction to submit our report by the 15th October, 1930, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, in commending this amendment to the House I shall not repeat the arguments which were placed before the House with regard to circulation but which did not commend themselves to the House. I will just say this: as the House might have seen, there are about 76 amendments to the provisions of the Bill, and some of them are of a very vital character. My submission to the House is that, as this is a Bill, which admittedly deals with the liberty of the people and which, according to the Hon'ble Member-in-charge himself is a kind of legislation which is repugnant to the ordinary mind and ordinary times, unless

there is a very great necessity for hastening the passing of this Bill in the present session of this Council, it should be referred to Select Committee.

Sir, in reply to the previous motion for circulation the Hon'ble Mr. Prentice was pleased to state that if the motion for circulation was carried into effect, it would necessitate a meeting of the Council in October. If, however, my motion is carried, the Select Committee reports by the 15th October, and under the rules the Bill cannot be considered in Council till November when, I understand, an ordinary session of the Council is due to be held. I do not think any reason has been adduced by the Hon'ble Member to suggest that, between the 19th October, 1930, when the Ordinance comes to an end and the two weeks thereafter, he is apprehending that something so terrific would happen owing to the absence of the provisions of a Bill of this nature, as would jeopardise the British Empire. If this Bill, which is admittedly a sort of drastic and emergency legislation, is not in force for two or three weeks, I submit to the House nothing much will be lost; and a Bill of this drastic character ought to be certainly considered fully in a Select Committee before we pledge ourselves to its acceptance. I therefore move the amendment.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I am afraid the mover of this motion has revealed the cloven hoof inasmuch as he has made clear that by moving this amendment, his intention is not really to have the Bill examined but to have the Ordinance lapse, knowing well that there must be an interval of at any rate a fortnight or three weeks between the submission of the report of the Committee and its consideration by the Council. In my opening speech I pointed out that within 14 days of the Act of 1925 lapsing the Chittagong outrage occurred. Therefore I say there is at least the possibility that in that interval of 14 days or three weeks a revolutionary outbreak might occur.

As regards the other point that if the Select Committee is to report by the 15th October the Ordinance only lapses on the 19th October, I may say that it is perfectly impossible for legislation to be put through after the Select Committee reports and before the Ordinance lapses. In these circumstances Government are not prepared to be left again in the position of being without this Act or the Ordinance. I therefore oppose the motion.

Dr. NARESH CHANDRA SEN GUPTA: Sir, in supporting the motion for reference of the Bill to Select Committee, I wish to say a few words. The Hon'ble Mr. Prentice has told us that there is no necessity for further consideration, because the provisions of the Act are

familiar, altogether too familiar I should say. But that is not the only matter for consideration. Whether the Bill in question is an old friend or a familiar acquaintance is not the question we are going to examine. Because the Bill is an old one, it is no argument for extending it or renewing it. Every renewal of an old measure necessitates a further consideration of the circumstances. Well, Sir, the question would arise as to whether such circumstances do exist now which would justify the passing of this Bill with drastic powers. That is an inquiry which the Hon'ble Mover of this Bill seems to be extremely anxious to avoid.

In the second place, the question would be, having regard to the circumstances in the country at the present day, whether the provisions of the Bill should be retained in the same form in which they were in the past, or whether some modifications should not be made in order to adapt it to the changed environments and in the light of the experience of the administration of the Act in the past. If it was not necessary to re-examine the Bill with reference to surrounding circumstances the legislature would not have put down the limitation under which the Bill would lapse after a certain time. A drastic Bill of this description does require an examination from time to time and that is, I believe, the reason why no permanent Bill of the character has yet been passed.

My hon'ble friend pressed the point that it would necessitate another session of the House in October—I think perhaps in November, and Government would be left without this trusted friend for about 14 days or so. The Hon'ble Mr. Prentice is very nervous of being without this Act for 14 days. I would like to know—and perhaps the House would like to know—what are the circumstances which cause this amount of nervousness in the Government. No such circumstances have been placed before the House and an old horse of Chittagong has been trotted out again. I have told the House that the Chittagong affair had absolutely nothing to do with this Bill. The fact that the Chittagong outrage occurred 14 days after the Act lapsed, to which the Hon'ble Mr. Prentice referred, had nothing whatever to do with it. Is it suggested by him that if the Act was in force and the outrage was committed, the Act would have helped him in any way to prevent the outrage or to punish the offenders any better than he could do without it? The Act could not possibly have prevented a conspiracy of this character from being organised and coming to a head and breaking out into an outrage. It would have been something if the Hon'ble Mr. Prentice could have said that, by reason of the absence of this Act, Government were prevented from doing something which might have prevented the occurrence. We are asked to accept his *ipse dixit*, and we probably have to accept his will in this matter, though we cannot

accept his word. Nevertheless, I can assure the members that so long as such reasons are not forthcoming, it would be an insult to our intelligence.

4-45 p.m.

It would be an insult to our patriotism and we should be failing in our duty to our constituencies if we were to vote upon a measure of this kind simply upon that sort of vague assurance without satisfying ourselves that such circumstances exist. No doubt, as the Hon'ble Member correctly suspects, we do not want to help him in passing the measure in a hurry. Our point of view, as Mr. Hopkyns pointed out the other day, happens to be somewhat different. We prize the liberty of the people much more than the Members on Government benches do. Sir, we do not forget that our point of view is different. To us, at any rate, human life is more valuable than wine bottles.

The motion that the Bengal Criminal Law Amendment Bill, 1930, be referred to a Select Committee consisting of the Hon'ble Member in charge of the Political Department, Mr. B. C. Chatterjee, Dr. Naresh Chandra Sen Gupta, Mr. A. K. Fazl-ul Huq, Khan Bahadur Maulvi Azizul Haque, Maulvi Syed Jalaluddin Hashemy and Mr. Narendra Kumar Basu with instruction to submit their report by the 15th October, 1930, and that the number of members whose presence shall be necessary to constitute a quorum shall be five, was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bakjh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mahan.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nurul Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hosani.
Ray, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.

NOES.

Bakah, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Bazir Uddin, Maulvi Mohammed.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmad.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. G. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Sunil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.

Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haidar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Huq, Khan Sahib Maulvi Fazlul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. S.
Luke, Mr. W. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mittra, babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. B.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Roy, Mr. Bijay Prasad Singh.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshay Kumar.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. E.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 25 and the Noes 66 the motion was lost.

The following motion was not called as it was covered by the foregoing decision of the Council:—

Dr. NARESH CHANDRA SEN GUPTA to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Member in charge of the Political Department,

(2) Mr. W. S. Hopkyns,

(3) Mr. Narendra Kumar Basu,

(4) Mr. B. C. Chatterjee,

(5) Mr. A. K. Fazl-ul Huq,

(6) Khan Bahadur Maulvi Azizul Haque, and

(7) the mover,

with instruction to submit their report as soon as possible and the number of members whose presence shall be necessary to constitute a quorum shall be five.

Mr. PRESIDENT: I may tell the House that all the motions that were moved as amendments to the motion that the Bill be taken into consideration have been dealt with, and now the motion for consideration of the Bill is open for discussion.

The motion that the Bengal Criminal Law Amendment Bill, 1930, be taken into consideration was then put and agreed to.

Clause 1.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that in clause 1 (2) for the words "nineteenth day of October, 1930" the words "first day of January, 1931" shall be substituted.

Babu SATYENDRA NATH ROY: I beg to move that for clause (3) the following shall be substituted, namely:—

"(3) It shall extend to such district or districts in the province as from time to time be notified in the *Calcutta Gazette*."

My object in moving this motion is that Ordinances have not been extended to all the provinces at one and the same time but have been extended gradually as occasion has arisen. I think on that principle the operation of such a penal and extraordinary legislation should be extended to such district or districts as occasion arises. Why should all districts be put in the same category? As in Chittagong there have been disturbances which call for this Bill, let it be applied to Chittagong in the first instance and then it may be extended to other districts when occasion arises. In these circumstances I do not see why Government should not accept my motion. They can always intimate this fact by a notification in the *Calcutta Gazette*, that the operation of the Act will be enforced in any district if it is found that there has been a terrorist or revolutionary movement in that particular district. That is the object of my motion.

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot accept this motion because Government is in this unfortunate position that they will have to apply the Act at once to every district. There is a nucleus of seditious activity and revolutionary organisation in every district in Bengal. If the hon'ble member will only cast his mind a few years back to the cases which have occurred in the districts of Bengal he will realise that his amendment will not help Government at all.

The motion of Babu Satyendra Nath Roy was then put and lost.

Babu SATYENDRA NATH ROY: I beg to move that in clause 1(4), line 1, for the words "five years" the words "six months" shall be substituted.

My object in moving this motion is this: that the period of the Act should be only for six months. This is an extraordinary piece of legislation and we can always prolong it as we like. Why then, I ask, should the operation of this Bill be extended to five years?

Mr. PRESIDENT: Have you moved all your motions?

Babu SATYENDRA NATH ROY: I will move them if this motion fails.

Dr. NARESH CHANDRA SEN GUPTA: There is a motion standing in my name which is the same as the one moved by Mr. Satyendra Nath Roy, and that is that in clause 1 (*4*), line 1, for the words "five years" the words "one year" be substituted, or, in other words, that the Bill shall be in operation for one year only. There is no charm in a particular figure. I hope that the shorter the period of time the better it is in the case of a drastic Bill like this. And I think I have got at least one illustrious precedent, a precendent from the Mother of Parliaments. There is a similar measure sometimes resorted to in England: The suspension of the Habeas Corpus Act. The Habeas Corpus Act is never suspended in Parliament for a period more than a year at a time. Even during the darkest days of Irish disturbances the Habeas Corpus Act was suspended from year to year and there is no reason why we should depart from this precedent. That precedent is founded upon good and sound reasons, and that is this, that a measure of this character which takes away the security and liberty of the subject should be examined from time to time by the Legislature, that the Executive should not be armed with more powers of interference with the liberty of the subject than is absolutely necessary. For that reason the Parliament has been very jealous of granting an extension of the suspension of the Habeas Corpus Act for more than one year at a time. I suggest, Sir, that Government here ought to follow that precedent; at any rate they have nothing to lose by it. If the condition of things necessitates the continuance of this measure for another year then we will have another discussion in the Council. They may have the same good luck as they now seem to enjoy in this Council. The Council is so loyal to Government————

Mr. PRESIDENT: The other day I told you that the Chair must resent any sweeping remark which may be made with the intention of lowering the Council as a whole in the estimation of the public.

Dr. NARESH CHANDRA SEN GUPTA: Sir, the Council has not shown itself unreasonably hostile to Government. Therefore, Government have no reason to apprehend that if the amendment is carried they will be placed in a position of difficulty if the present circumstances continue which now in their judgment justifies the measure to continue to exist. I submit, Sir, if the Hon'ble Mr. Prentice really feels as he has said, that the measure is one which he does not introduce with pleasure and that he has great reluctance in introducing a measure of this sort, I should think he should welcome this suggestion which will enable him at any rate to say that he has done the least that could possibly be done to impair the liberty of the subject.

Mr. NARENDRA KUMAR BASU: I have got an amendment identical with that of Mr. Roy that in clause 1 (*f*), line 1, for the words "five years" the words "two years" be substituted. I hope, Sir, that the Hon'ble Member will appreciate that we are willing to give a little more rope to the Government in this matter and that this amendment will meet with their approval. Why I am asking the operation of the new law to be limited to two years is in fact this: that I expect that in two years' time some sort of result would come out of the Simon Report and of the Round Table Conference and if that be so we expect that the Bengal Legislative Council will be more liberalised after two years and that it will not be a packed house as at present———

Mr. PRESIDENT: I have had to intervene when Dr. Sen Gupta made a remark like the one you have just now made. I must ask you to turn your mind away from the suicidal policy of crying down a body of which you are a unit. As President, I must resent and repudiate any aspersion which may be cast on this House.

Mr. NARENDRA KUMAR BASU: I am sorry, I withdraw the expression after your ruling. What I meant to suggest was no disrespect to the House, but what I was going to say was that after two years we would have a larger proportion of elected members in the House who would be able to voice the real feeling of the people when the new Reforms come into existence and that an extraordinary piece of legislation (or I may call it) a panic legislation like this—ought not to last for more than two years. Sir, if it lasts for two years the Hon'ble Member may point out that an incident like that which took place after the unfortunate lapse of the last Act may occur again. But I think if in two years' time there is a greater progress in popular representation in the Government then these underground conspiracies will naturally cease to exist and in two years' time it will not be necessary to have recourse to this sort of extraordinary legislation. Sir, I appeal to the Hon'ble Member to accept this amendment that the Act when passed shall remain in force for two years instead of five years.

MUNINDRA DEB RAI MAHASAI: Sir, I rise to support this amendment. The object of this amendment is to reduce the longevity of the Bill from five to two years. The Bill will mean the negation of the rule of law which is the most prominent feature of modern British constitution. Every constitutional principle or rule means the security given to rights of individuals which they have under the laws of the land. Sir, if there is any sincerity in the repeated declarations of His Majesty's Government, we have no doubt, we are on the threshold of great constitutional changes of far-reaching consequences. If the Government approach the ideals of the people in a spirit of toleration and good-will, anarchical crimes are not likely to recur. There would

then be no necessity for these arbitrary powers. I do hope that everything will settle down in the course of the next two years. The prolongation of the longevity of the Bill for more than that period is, therefore, quite unnecessary and unjustifiable.

I also formally move that in clause 1 (*4*), line 1, for the words "five years" the words "two years" shall be substituted.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to support the amendment of my friend and in doing so submit that if it is accepted, I will not move my own amendment. When I put that one year, I did it deliberately. I did not put it for 3 or 2 years. The ruling idea in my mind was what has been expressed by Mr. Basu, that is to say, that in the course of this time something must happen which will clear up the atmosphere. I think so still. I did not support the motion for circulation of the Bill for the purpose of eliciting public opinion because I honestly believe that Government would not have come forward with such a Bill if they did not really feel that there was a widespread conspiracy which they could disclose to us; otherwise they would bring forward a temporary measure for the purpose of restoring peace and order. I differ from them but I cannot charge Government with any dishonest motive if they feel their responsibility for law and order demands that they must have a measure such as this which would be applicable in the particular circumstances of the case. I submit that "two years" had been put to test the honest intention of Government because in these two years Mr. Basu expects that the atmosphere will clear up and something will come out of the deliberations of the Round Table Conference. It is a great hope; it has been uttered by this House and the House has done everything to win the confidence of Government. We, who are here have great hopes about the result of the Round Table Conference, but there is a strong body of opinion against it outside. We are pinning our faith in the sense of justice of those Englishmen who are really bent upon giving us some form of responsible Government. If that be so, we expect something great will happen. I expect it in spite of the pessimism that prevails in the country to-day. I expect great things are going to happen in the near future when British sense of justice will stand vindicated as an outcome of that deliberation. If that happens in case the atmosphere is cleared up then these misguided young men, when they find that the honest method of bringing about constitutional changes or rather political freedom has succeeded will dissolve then and there. Taking for granted that our hopes do not come true, taking for granted that the worst fear of these who are pessimistic are realised and nothing comes out of the deliberations between British statesmen and Indian politicians, in that case what will happen I am afraid to think. I may assert that this hope if falsified, although I am hoping it will not be the case, will increase in such a degree the chaos in the country that such a legislation

will not be of any avail as has been remarked by one of the members. We must then say that against the will of the whole nation and against the opinion of the country as a whole against such methods, drastic measures like this are of no avail. I do believe that as a matter of fact these measures have been tried times without number; it was tried in 1925 and even before that also and we accepted them as a natural course of events. I do not impute any motive to Government for trying remedies they think proper but if the remedies fail to produce the desired effect then like a true doctor they must try conciliatory measures. If these measures fail to produce the desired effect in two years then it will be high time for Government to apply other methods which have been found all the world over to be the only efficacious remedy to remove the distempers of the body politic. If Government comes down and accepts the substitution of two years for five years, then Mr. Basu and all of us will be grateful. Government will stand vindicated, and no harm, no great harm, will be done because the Act can easily be revived after two years. Bengal atmosphere is surcharged to-day; for once just come down from the high pedestal and try to meet the wishes of the people half way. In that case we shall at least have the satisfaction that Government have for once at least treated our suggestion sympathetically. On these grounds, I support the motion that is before us and if it is accepted, I will not move my amendment for one year.

Babu SATYENDRA NATH ROY: I beg to move formally that in clause 1 (*4*), line 1, for the words "five years" the words "three years" be substituted.

The Hon'ble Mr. W. D. R. PRENTICE: I wish I could have been able to accept the proposal which has been supported by the last speaker. Although he does recognise that the Government are honestly trying to push forward a measure which they honestly believe to be to the best advantage of the province, unfortunately all his argument is based on the fact that political changes may stop this revolutionary movement. Unfortunately this is an argument which I cannot accept because I do not personally believe that any political concession on the basis of the Simon Report or any other report will lead at once to the dropping of this revolutionary movement.

5-15 p.m.

So far as my information goes, the movement is entirely different from political agitation. As I said in my opening speech, this Bill does not touch political agitation at all. This is a movement by itself, and its aims and objects are quite apart from those of people who are honestly agitating for a change in the constitution of the country. We have had experience for five years of the working of the Act, and failed in attaining our objective not because the period was too long.

but because we realised that as the date on which the legislation would expire was drawing near, we had to abstain from further action. Unfortunately, all our experience leads us to believe that a shorter period than five years will not serve our purpose, and my own view is that this movement will go on for a considerably longer time. It has gone on for about 25 years and has gained in volume, and it has nothing to do either with the Simon Report or with political agitation. If we accept all that has been said by the various members, supposing the position remains bad, I ask what are you going to do? In about two years' time or thereabouts there may be a change in the constitution. If the Bill expires in two or three years, one of the first steps which the Government under the new constitution will have to take, if the movement still exists, will be to tackle this unpopular question of dealing with the terrorist movement, and in my view of the future I am afraid that Government will have to pass a Bill of this kind. If I am wrong and Babu Satish Chandra Ray Chowdhury is right, and the movement dies out, the Act will not be used at all and will die a natural death; but that will be better for the new Government than to have to pass a Bill like this at the very start.

Babu SATISH CHANDRA RAY CHOWDHURY: It will be an inauspicious start for the new Government.

The motion that in clause 1 (*4*), line 1, for the words "five years" the words "six months" be substituted was then put and lost.

The motion that in clause 1 (*4*), line 1, for the words "five years" the words "one year" be substituted was then put and lost.

The motion that in clause 1 (*4*), line 1, for the words "five years" the words "two years" be substituted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Nurul Absar.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Karim, Maulvi Abdul.
Lal Muhammad, Haji.
Mitra, Babu Surat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Seth Hunuman Prasad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khatter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Ray, Babu Satyendra Nath.
Roy, Mr. Bijay Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Ray Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Burn, Mr. H. N.
Chaudhuri, Khan Bahadur Maulvi Afimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Dash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Huq, Khan Sahib Maulvi Badiul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Khan Sahib Maulvi Muazzam Ali
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Sarkar, Sir Jadunath.
Sarkar, Rai Sahib Rebati Mohan.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 35 and the Noes 56, the motion was lost.

The motion that in clause 1 (4), line 1, for the words "five years" the words "three years" be substituted was then put and lost.

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I beg to move that clause 2 (1) (i) be omitted. My ground for moving this amendment—I shall put it as briefly as possible—is this: This clause, as the House will see, empowers Government to pass certain orders with respect to any person who has acted, is acting, or is about to act, in contravention of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908, whereas the two remaining clauses of the Bill deal with offences under the Indian Penal Code. This clause deals with offences under the Indian Arms Act and the Explosive Substances Act, and the reason why I want this clause to be excluded is that the provisions of these two Acts give rise, or rather may give rise, to more panicky action on the part of the police than the provisions of the

Indian Penal Code. Further, when a panicky report is given by the police with regard to people who are supposed by them to be about to act in contravention of the provisions of those Acts Government, or rather the executive authorities, who will be responsible for dealing with such reports, will lose their heads and pass more panicky orders under this clause. I, therefore, propose that this clause be omitted from the Bill.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I am afraid I must oppose this amendment, as anybody who is acquainted with the terrorist movement in Bengal knows that practically all the danger which arises from this movement is due to the misuse of arms and explosives. I do not always wish to harp on Chittagong, where there was a misuse of arms and explosives. Take the Mechuabazar case, which was tried by a Special Tribunal in June last. Take the case of the other accused persons who were tried under the Criminal Law Amendment Act during the period 1925-30. To take away this clause is to take away the real safeguard against the misuse of arms and explosive. And, therefore, I must oppose this amendment.

The motion of Mr. Narendra Kumar Basu was then put and lost.

5-30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move, by way of amendment, that for clause 2 (*1*) (*i*) the following be substituted, namely:—

> "(*i*) has collected, procured, manufactured or dealt in or is attempting to collect, procure, manufacture or deal in arms, munitions or explosives in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908, in pursuance to or in furtherance of any conspiracy to wage war against the King or of any conspiracy to commit any offence specified in the First Schedule."

The motion which I have placed before this House is very different from the motion which has been proposed by my friend Mr. Narendra Kumar Basu. I do not propose that offences under the Explosives Act or the Arms Act should be taken away from the purview of this Bill. What I propose is that the words of the section as shown in the amendment shall include only really serious offences under the Explosives Act or the Arms Act. I have not put in there anything which is not really contemplated by the authors of the Bill. I have only made clear what is evidently in the minds of the authors of the Bill. If the hon'ble members will look at the provisions of this clause which says that "any

person has acted, is acting or is about to act in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908," they will find that it is too wide. If a person keeps a certain quantity of explosives, in excess of what is allowed by law, he commits an offence under the Explosive Substances Act. If a person possesses an arm without a licence, he comes under the Arms Act. That is not what the Bill seeks to provide against. Such persons can be dealt with under the provisions of the ordinary law. The Bill seeks to provide against persons who are doing these things, who are keeping arms for the purpose of any conspiracy. This is indicated by what follows in the section: "the local Government, *if it is satisfied that such person is a member or is being controlled or instigated by a member of any association of which the objects and methods include the doing of any of such acts, or the commission of any of such offences* may by order in writing give all or any of the following directions." So it is contemplated by this section of the Bill that action will be taken against persons only when there is a conspiracy behind it. If that is the real object, that object should be made very specific and clear in sub-clause (1) (a). I have therefore suggested the substitution of the following to make the intention of the legislature perfectly clear—"has collected, procured, manufactured or dealt in or is attempting to collect, procure, manufacture or deal in arms, munitions or explosives in contravention of the provisions of the Indian Arms Act, 1878, or of the Explosive Substances Act, 1908, in pursuance to or in furtherance of any conspiracy to wage war against the King or of any conspiracy to commit any offence specified in the First Schedule." I take it, it is not the intention of Government to proceed against any person other than those who would be included in the words I have suggested. My amendment, therefore, takes away the fault in drafting which makes this sub-clause too extensive and covers a larger number of people than is really contemplated by the spirit and purpose of this Bill. I take it that it is not the object of Government to proceed against persons other than those I have specified in the amendment. Therefore, I am confident that the Hon'ble Member will see his way to accept this amendment. In asking him to do so, I must ask him once for all to shake off the idea, which is perhaps working at the back of his mind, that those who are opposing the Bill are advocates for the terrorist.

The Hon'ble Mr. W. D. R. PRENTICE: I should like to tell the member that I have no such suspicion.

Dr. NARESH CHANDRA SEN GUPTA: I can tell the Hon'ble Member that we are not advocates for the terrorist; if we are attempting to obstruct the passage of this Bill or to give it a different shape it is because the Bill is going to affect the subjects of the province in general

and for the sake of giving adequate protection to the people from the attention of the more zealous officers of the police. Let the police know that every violation of the Arms Act is not within the province of this Bill, but only such violation of the Arms Act and Explosives Act that are committed in pursuance of a conspiracy. If Government suspects that arms are collected for the purpose of a conspiracy, Government will be free to act under the section as I have drafted as well as under the section in the original draft. Under these circumstances, I think, there is absolutely no reason why Government should not accept this amendment. The section as proposed by me only makes the object of the Bill clear and brings home to the mind of every policeman who will have to take part in the administration of this Act what is the real scope of the law. In a measure of this character it is of the utmost importance that the provisions should be made as clear as possible.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to support this motion. Reading between the lines of this motion it appears to me that it is the drafting of a man who is a past master in the art of drafting, and at the same time wants to rope in the class of persons against whom offence can be proved in a court of law. I have tried to be as moderate as possible in my amendments and probably in my efforts I have at times under-shot the mark. The acceptance of Dr. Sen Gupta's amendment will I say take away the necessity of pushing on my amendment No. 21. The difficulty is that the words of sub-section (c) are delightfully vague and beautifully indefinite. One officer might be influenced to think that a certain person is about to act against the provisions of the Indian Arms Act. It should be noted that no definite provisions are mentioned here. There are technical offences under the Arms Act I know, and if these technical offences are committed by a man who really does not happen to be a member of any such association, he can easily be roped in provided he is not in the good graces of those with whom the power lies of arresting. As regards the Explosives Act with which I have no acquaintance as I have always kept away both from explosives and from the Explosives Act, but I can easily say that there must be provisions in the Act which also might be abused in this way. To avoid all these, this amendment has been proposed and I am sure it will leave no loophole to the guilty to escape, and at the same time it would be extremely cautious and useful in enabling innocent persons to keep out of the clutches of the law. I submit, therefore, that Government ought to accept this amendment.

Mr. J. W. NELSON: I rise on behalf of Government to explain why Government is unable to accept the amendment. Government fully accepts the position that this Bill is intended to deal with conspiracies. If there were no conspiracy there would have been no Bill whatsoever. My real objection to this amendment is that it does

not deal with conspiracies at all. The words "has collected, procured, manufactured or dealt in arms, munitions or explosives" do not cover the case of conspiring to do these things. Nor do the words "attempting to" do so cover the case of conspiracy. An attempt, as explained in the Indian Penal Code requires the doing of some act towards the commission of an offence. A conspiracy to manufacture arms and explosives does not come within this amendment until the persons begin to manufacture or collect materials for the manufacture. It is not the intention of Government to deal with isolated breaches of the Arms and Explosives Acts by individuals. These would be dealt with under the ordinary law.

5-45 p.m.

Government's intention is to deal with cases which are connected with conspiracy. Then again the amendment does not mention possession of arms or explosives. It is well known that in any revolutionary conspiracy arms and ammunitions are always kept with the most innocent-looking persons—a person who is least likely to be suspected; that person will never take any active part in the doings of that conspiracy. His sole work is to be in charge of arms; he may not even touch them; but he is a very dangerous member of the conspiracy, and if this amendment were accepted a man of this kind could not be dealt with. For these reasons, Sir, I am instructed to say that Government cannot accept the amendment

Mr. NARENDRA KUMAR BASU: Sir, in supporting the amendment moved by Dr. Naresh Chandra Sen Gupta I have to point out that in spite of the explanation that the Legal Remembrancer has given he has absolutely lost sight of further provisions of this section. This amendment only seeks to amend clause 2(*1*) (*i*). But the other provision, namely, 2 (*1*) (*iii*) "the Local Government, if it is satisfied that such person is a member, or is being controlled or instigated by a member, of any association of which the objects or methods include the doing any of such acts or the commission of any of such offences"—these words remain in spite of this amendment. Therefore if this amendment were accepted I submit that there would be nothing to prevent Government from dealing with any person who is a member of an association for the purpose of collection, procuration, manufacturing or dealing in or attempting to deal in, arms and explosives or munitions, and therefore the object of Government is served by this. I do not see any reason why the words "collection, procuration, or dealing in arms, ammunitions or explosives" would not cover the case of possession. Any one who collects arms, procures arms or deals in arms and explosives—he certainly would be a person

who is in possession of these things and there is no reason to suppose that possession of these articles would not be an offence if Dr. Sen Gupta's amendment were accepted.

I am very glad that the last speaker on behalf of Government has not trotted out the King Charles' head of the Chittagong conspiracy. So far as this amendment is concerned it would certainly deal with cases like that and others now being investigated in Chittagong and I submit, Sir, that no case has been made out why the beautifully vague language of clause 2(*1*) (*i*) should not be made more precise and more definite, as has been sought to be done by the amendment of Dr. Sen Gupta.

The Hon'ble Mr. W. D. R. PRENTICE: I am not dragging in the case of Chittagong but this time I am referring to the Mechuabazar case. In that case one accused was charged with being in possession of a bombshell; two other accused with being in possession of explosive substances and another was further charged with being in possession of explosive substances for another accused. These are all offences and these people were all convicted. This was of course a case that went to a court, but surely it shows that possession of explosives is one of the most dangerous parts of a revolutionary conspiracy. This amendment which does not include possession would endanger this Bill very considerably and I must oppose it.

The motion of Dr. Naresh Chandra Sen Gupta was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. S. C.
Choudhury, Maulvi Nurul Absar.
Dutt, Rai Sahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Hoque, Kazi Emdadul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mahan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Roy, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Dr. Sir Nilratan.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Burn, Mr. M. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Esseen, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur M. G. M.
Forrester, Mr. J. Campbell.

Ganguli, Rai Bahadur Sueil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Garner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Huq, Khan Sahib Maulvi Saziul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lal Muhammed, Haji.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. S. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. S.
Prentice, the Hon'ble Mr. W. S. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abder-
Ray, Mr. Bijoy Prasad Singh.
Ray, Mr. Saileswar Singh.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshay Kumar.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

Mr. PRESIDENT: Is Maulvi Abdul Hakim here? Were you in the chamber when I ordered the division?

Maulvi ABDUL HAKIM: No, Sir, I had gone to the office and from there I came to the lobby to vote.

Mr. PRESIDENT: In that case I cannot permit your vote to be recorded. Your name must be expunged from the division lists.

The Ayes being 22 and the Noes 58 the motion was lost.

6 p.m.

Babu SATYENDRA NATH ROY: I beg to move that clause 2 (*1*) (*iii*) be omitted.

Sir, I shall read the clause which I want to delete:—

Section 2, clause (*1*) (*iii*) says—"has acted, is acting or is about to act with a view to interfere by violence or by threat of violence with the administration of justice." Sir, the wording of clause 2 (*1*) (*iii*) in the Bill is, in my opinion, very elastic and vague. In Chapter XI of the Indian Penal Code, there is provision for punishment of offences against public justice. I think that Chapter XI is exhaustive and such sections of Chapter XI of the Indian Penal Code which are intended to be included might have been mentioned in Schedule I. In clause 2, sub-clause (*1*) (*i*) and (*ii*) offences are specifically mentioned as they are either under the Indian Arms Act or the Explosive Substances Act or under certain sections of the Indian Penal Code. But any offence, however slight, might be included in the particular words which I want to be deleted. Even an ordinary complaint by a process-serving peon might be construed as an offence against the administration of justice. Under these circumstances my motion is that these words should be deleted.

Maulvi ABDUS SAMAD: Sir, I give my wholehearted support to the motion which has been moved by the previous speaker. Sir, having failed to throw out the Bill, it is our duty to mitigate its evil effect as far as possible and in that view, Sir, I support this motion. In supporting this motion I would, with your permission, briefly refer to the past history of the Criminal Law Amendment Act. The provisions of this Bill are identical with those of the Act of 1925. The first Bill was introduced in this Council in January 1925 for suppressing terrorist crimes in the province. I shall refer to what Sir Provash said in support of the motion. Sir Provash, then an ordinary member of the Council, opposed the motion for the introduction of the Bill. It will be very interesting for the members to know the grounds on which Sir Provash opposed it. "I am sorry to say," observed Sir Provash, "that the Bill proposes not a physician's treatment of the malady, but a quack's remedy." Continuing his speech he said: "I think that if the Bill be certified or passed by the Legislative Council, it will not only fail in its object but will perhaps be, although it is furtherest from the intention of the Members of Government, a helpful measure towards propagation of the revolutionary movement." He further said: "This being my view I have, after mature consideration, come to the conclusion that in the very interest of the object, Government have in view, and out of loyality to the Committee" (meaning the Rowlatt Committee) "on which I had the privilege to serve I must oppose the Bill." Sir, my submission is that those observations of Sir Provash should still hold good and this repressive law ought not to find a permanent place in the Statute Book, and that when it has been introduced and is going to be considered, I think it is our duty to make it as much less harmful as possible by deleting the clauses which are objectionable. With these few words I resume my seat.

Mr. R. H. HUTCHINGS: The mover of this amendment began by saying, I think I am right, that he objected to the clause and he wished to delete it because the wording was too wide and too vague. My submission to the House is that if that was his view his proper course would have been to propose an amendment to the clause which would have brought about the change in the actual wording limiting it to the objects of the Bill as the proposer intended. He has not adopted that course; he has adopted the course of deleting the entire clause from the Bill. I think the mover of this amendment would be the last person to advocate that Government should have recourse to special procedure when they might have used or could have used or should have used the ordinary course of the ordinary criminal law. One of the main reasons why Government are forced to introduce this Bill is that the activities of such associations and such societies as are attacked by this Bill have resulted in the past in a serious interference with the course of

justice. There have been cases of intimidation of juries, there have been cases of intimidation of witnesses and of difficulties in the production of evidence before the courts. We seek by clause 2 (*1*) (*iii*) to protect the courts and all who work in them or those who come forward to give evidence before them. That is our object in including this section. If the mover advocates that this protection to the courts should be removed, what he is really doing is advocating that any attempt by Government to use the courts in this type of case must for ever and always be abandoned. On this ground on behalf of Government I oppose the amendment.

Dr. NARESH CHANDRA SEN GUPTA: The hon'ble member who spoke for Government has complained that instead of attempting to amend the provisions in clause 2(*1*) (*iii*) the mover has asked for its removal. It is possible that an amendment might have been formulated which would specifically prevent only the most aggressive forms of interference with justice which might possibly come within the scope of this Act. But I do not think that Government have shown their appreciation of such amendments in such a measure as to enable it to expect such assistance from the members of this House. If that were so, their treatment of the last amendment would have been different. At any rate they might have come forward with an amendment or the amendment which I brought forward would have met with their approval. I do not think that Mr. Hutchings has made out a case for the retention of this clause at all. I was watching to find him mention certain cases in which this clause might possibly come into operation. He referred to the intimidation of jurors and intimidation of witnesses. These are, Sir, very ordinary offences which can be dealt with by ordinary processes of law. If intimidation of jurors or of witnesses in a particular case is heard of, then those men who intimidate the jurors or the witnesses can be brought before the court and punished. This offence cannot be of such a general and insidious character as to call for action under the drastic provisions of this Bill. Now, Sir, there is an apprehension that in some cases witnesses may be intimidated. There have been cases in which witnesses have been intimidated or even killed. In these cases the offenders have always been punished. I do not think that there is any case in which offenders have not been punished. There may be cases in which offenders have not been punished and there may be cases in which such offenders have got out of the clutches of the police even in spite of this Act. Looking at the other side of the shield: What about the intimidation of witnesses by the prosecution? What about taking away the people who might assist in the defence on the pretext that they have been intimidating witnesses? I do not impute dishonest motives to any one, although it is a fact, and it is within the knowledge of every criminal lawyer in this country, that even when the prosecutor is the Crown the

prosecution has the habit of tampering with witnesses; by enacting this measure you are placing in their hands a provision which may be utilised for the purpose, not of assisting administration of justice but of perverting justice. Jurors and witnesses are intimidated and may be intimidated and tampered with both by the defence and the prosecution, but the prosecution by this provision is being given an additional weapon of defeating justice. For this reason that nothing more serious, nothing more urgent, has been put forward on behalf of Government—I support this amendment.

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot accept the reasoning of the last speaker. For the fact that this is a real danger is shown by the remarks of the Rowlatt Committee. In paragraph 171 of that report— I will not take up the time of the Council by reading it—they have given specific instance where the terrorism of witnesses and other persons has interfered with the course of justice. This provision was necessitated by sad experience and I am afraid we cannot accept the amendment.

The motion that clause 2 (*1*) (*iii*) be omitted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bahsh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. S. C.
Choudhury, Maulvi Nurul Absar.
Gutt, Rai Bahadur Dr. Haridhan.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sircar, Sir Nilratan.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Burn, Mr. H. N.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. G. G.
Dain, Mr. S. R.
Das, Rai Sahadur Kamini Kumar.
Dash, Mr. A. J.
Esseen, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hossain, Maulvi Muhammad.

Hoq, Khan Sahib Maulvi Azizul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Lal Muhammad, Haji.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mittra, Babu Sarat Chandra.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Mr. Bijay Prasad Singh.
Roy, Mr. Saiteswar Singh.
Roy, Mr. Sarat Kumar.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 21 and the Noes 61 the motion was lost.

6-15 p.m.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to move that in clause 2 (*1*), in line 12, the words "or is being controlled or instigated by a member" be omitted.

The position is that if the Local Government is satisfied that any person, who "has acted, is acting, or is about to act" in certain ways—the last phrase refers to the most homœopathic dose of activity—and who is a member of an association for the purpose of committing unlawful acts, then he may be arrested and punished. Sir, I have no objection to that whatsoever, but I shall confine my remarks to the cases of persons who are controlled or instigated by members of such an association. In this connection, we should remember two things.

Firstly, the word "controlled" is extremely vague—in fact, I do not know what the real import of that word is. The law does not help me: the lexicon helps a bit only. But when this word comes to be dealt with and interpreted by lawyers—either prosecuting or defending—I do not know what that word will yield. I know even far less what it will yield when it is interpreted by members of the Criminal Investigation Department or the Intelligence Branch of that department. I have, therefore, to be very cautious. Of course, I can quite believe that Government is anxious that there should be no injustice, and perhaps it thinks that it has erred on the side of caution. We on our side are also very apprehensive that the provisions of the Act—whatever the intentions of Government as regards their application may be—will be abused by persons who do not know the full significance or import of the words contained in this clause. So, my first point is that some words in this clause are beautifully vague, and their meaning very indefinite and—

My second point is that the cases in which the provisions of this clause are going to be applied are very very comprehensive. However technical an offence committed by a person may be—for instance, the

handling or carrying of a gun by a person, who does not hold a licence, on behalf of another is a technical offence under the Indian Arms Act—however innocent he may be, he will be liable to punishment under the provisions of this clause.

Now, turning to schedule I, we find that there are certain offences which ought not to come within the purview of this drastic piece of legislation, unless, of course, these offences are committed for achieving unlawful objects by actual members of a gang or association. Take, for instance, the words of section 148 of the Indian Penal Code. This is a section under which any person may be charged for having to defend his hearth and home, his land, his property, and so on, while an attempt is made to deprive him of these or wrest them from his possession. Now, one may be charged under this measure for coming within the scope of section 148, Indian Penal Code, although his object may be a private one, viz., defending his property. That section nowhere says "has committed, is committing, or is about to commit an offence."

Now a man may have a son, brother, or any other relative, living in his house. The man may be a member of an association whose intention is to perform any of the unlawful acts mentioned in the Bill, but the relatives may not share the views of such an erring person. But simply because such relations live with him in the same house, and are probably "controlled" by him—that is to say, they live under the guardianship and the tutelage of the father, the elder brother, etc.,—they may be placed under restraint easily, there is nothing in the clause which could prevent them being harassed for any offence—technical or otherwise. If it had been a case of trial, one might concede that after evidence had been adduced, he would probably be let off. But, I submit, that in the case of such persons if an order is passed that they will have to notify their residence or change of residence, or confine themselves to a particular area, and so on, it will be an act of great injustice. Then, again, in the case of persons who are just about to commit an offence under section 506, Indian Penal Code,—criminal intimidation of any kind—the Bill does not say that the intimidation should be with a certain object. And if such persons are found guilty of this and other technical offences, and if they are members of a society which exists, let us suppose, for the avowed purpose of causing destruction and damage, then the other members of his house will run the risk of being punished for the offences of their associates. Further, I believe, that the same risks must be run even by persons who are not members of such society and who are not in sympathy with its objects, on the ground that they are "controlled" by members of such society in the sense that the latter live under the same roof—and probably under protection—of the former. Moreover, innocent persons may be unconscious tools in the hands of guilty ones for committing

offences, and I do not think that such persons as are outside the circle of members of unlawful associations should be brought within the purview of this Bill. And if any risk is to be run, I think it should be run by Government and not by really innocent people. There is a real apprehension in our minds that if this Bill is passed into law without drastic changes, in about 60 to 90 per cent. of the cases to be dealt with by this measure innocent persons will be involved. I submit, Sir, that it is not fair to place these people at the mercy of the Criminal Investigation Department or the Intelligence Branch, or, for that matter, at the mercy of those despicable creatures who move about the villages and whose business it is to report to the police those persons against whom they bear private grudge or enmity.

For all these reasons, Sir, I hope my amendment will be accepted by the Hon'ble Member in charge.

[At 6-30 p.m. the Council was adjourned for prayer and it reassembled at 6-45 p.m.]

Mr. B. C. CHATTERJEE: Sir, one might raise a general objection to section 2 and other sections on the ground that really speaking all this special legislation cannot apply to the citizens of Calcutta, inasmuch as the citizens of Calcutta are really under the operation of the same law as was introduced into this country by Englishmen when they came out and settled here. It is well known, Sir, that there are any number of decisions of the High Court to the effect, that when the English came and settled here and began to build up Calcutta, they applied the same laws to themselves as to the Indians who came to live with them in Calcutta, and among the other laws of England which apply to Calcutta is the statute known as the Magna Charta. Neither this legislature nor the Indian legislature has any right to pass any law with reference to the citizens of Calcutta.

Mr. PRESIDENT: These points should have been raised at a much earlier stage.

Mr. B. C. CHATTERJEE: Yes, I know, and therefore do not press this objection. But I do address an appeal to the Hon'ble Member in charge to see whether he cannot accede to Mr. Ray Chowdhury's amendment by way of substituting the words "conspiring with any member" for the words "is being controlled on instigated by a member." The word "conspiring" obviously covers all that can be signified by the two words "controlled" and "instigated." The word "conspiring" is familiar to us, whereas the words "controlled or instigated" are not quite legal words. I cannot imagine anybody controlling or being controlled, instigating or being instigated without there being a conspiracy between the controlling and

the controlled or between the instigating or the instigated. I would therefore appeal to the Hon'ble Member in charge to put in the words "conspiring with any member" instead of the words "is being controlled or instigated by a member." If he does that, I think, the mover of the amendment can accept it.

Babu SATISH CHANDRA RAY CHOWDHURY: Yes, I agree to this.

The Hon'ble Mr. W. D. R. PRENTICE: I feel considerable difficulty in accepting the amendment to substitute the word "conspiring" for the words "controlled or instigated." I do not claim to be an expert lawyer—I was only a Magistrate—but my recollection of the Penal Code is that the word "instigate" appears in the Penal Code. "Control" I admit I do not recollect in the Penal Code. The word "control" may not be there, but surely it conveys something different from the word "instigate." However, I am not prepared to accept the amendment that has been sprung on me, because it does not convey the same meaning as the words in the Bill.

I may explain the sort of cases that the present wording of the Bill deals with. We have had cases where there is an attempt to assassinate, say, a Government officer. We are satisfied that some one in district B is brought down to district D by the leading member of an association in that district for the purpose of carrying out the attempt. There is nothing to prove that he is a member of the association in district D, but we can prove he is controlled or instigated by a member of the association. If these words are omitted from the clause, we cannot act under clause 2 (*1*) against the would-be assassin. We have other cases where arms and explosive substances are conveyed by non-members. All these cases can be dealt with under the clause as it stands. We cannot always prove that the agents conveying the stuff are members of the association, but we can prove that they are instigated or controlled by a member of the association.

I would just like to refer to one other point. Throughout the whole discussion there has been an argument advanced that we should modify the provisions of this Act, because people think that in villages the sub-inspectors are responsible for the orders passed under it. Section 2 (*1*) provides that it is the Local Government which will pass the orders. I may tell the Council that every case in which it is proposed to take action, comes up to me before orders are issued. Therefore, suggestions that the sub-inspectors are responsible for the orders passed are absolutely beside the point.

I oppose the amendment.

Dr. NARESH CHANDRA SEN GUPTA: It seems that the members are supporting the amendment and the Government are working at cross-purposes. Government it seems wants under this clause to spread its net as wide as possible, and asks us to trust the Government to be merciful in the use of their powers. We, on the other hand, want that the powers of the Government should be stated with precision, so that there may not be any alarm or a sense of insecurity in the minds of the people which, as far back as the days of Bentham, has been looked upon as a thing to be scrupulously avoided in the legislation. Precision ought to be sought in the language of the Act so as to give a clear indication as to the persons who are sought to be brought under the purview of the Bill. It would give a clear direction to the persons in whose hands the first initiative in any action must be. The Hon'ble Member has said that no orders would be passed against any person except after personal investigation of the case by him. That is perfectly true, and we are perfectly sure that the Hon'ble Member would give every case that comes before him all the consideration that it deserves, but, upon the materials placed before him, and who prepares those materials? Who are the persons who send them up? The secret police and their agents. It is they who prepare the case which comes before the Hon'ble Member. Therefore, no matter what amount of goodwill and honest purpose the Hon'ble Member may bring in his work, he must be guided by the materials placed before him. So that in the last analysis the Local Government in this Bill comes to mean after all the subordinate officers who initiate the proceedings.

7 p.m.

From one point of view, Sir, it may be said that we are trying to save the time and trouble of the Hon'ble Member. Because if this clause is kept as wide as it is and leaves the words as vague as possible and as indeterminate as possible, it would leave the subordinate officers who have to take the initiative ample scope to bring in things which are not contemplated by Government. Naturally they will misunderstand the intention of Government and try to do things which are not contemplated by Government, and the files before the Hon'ble Member will go on increasing in number. If the Hon'ble Member had only appreciated the point of view from which we look at this thing he would rather have thanked us instead of being in opposition to this amendment. I should have thought that unless the wording of this section is made more precise there would be inconvenience on the part of Government in dealing with such matters at the initial stage. The Hon'ble Member has referred to cases of persons who, of their own will, may not have joined a conspiracy but had been instigated by others to do so. In these

circumstances people who are innocent—I use the word innocent advisedly—would come within the mischief of this clause and this should enable the police to rope in, or, at any rate, start a case against them. They may or may not do it, but this clause makes the police officers liable to this temptation of arresting innocent persons. Again, Sir, I use the word "innocent" advisedly, because the Legal Remembrancer from the treasury benches in reply to a previous motion was referring to arms and ammunitions being kept by the most innocent person in the conspiracy. I have taken down the words he used. "His sole duty," he said, "is to——"

Mr. J. W. NELSON: I never used the word "innocent." I said innocent-looking.

Dr. NARESH CHANDRA SEN GUPTA: All right, Sir. Unless these innocent-looking persons are shown to be innocent the Bill at any rate will not leave them free. The wording of the Bill as it is would include those innocent persons also.

There might be a certain amount of nervousness on the part of the Government in respect of making the wording of this clause more precise, because it might leave loopholes. There is a great deal of nervousness on the part of Government on account, mostly, of lawyers. We, lawyers, are supposed to twist and turn legal phrases into all sorts of impossible meanings. But in these matters there is hardly any chance of this clause being interpreted by any lawyer—and this has been hinted at by some Government members—the Government is secure against this, and that no lawyer will have to deal with such cases. Therefore, there is no justification for any such apprehension if the words "is being controlled or instigated by a member" be omitted, and the intention of Government rendered more precise to their subordinates, which will help not only to avoid worry and anxiety to the Hon'ble Member but would also save unnecessary waste of time.

Mr. NARENDRA KUMAR BASU: I only want to add a few words to the consideration which has been presented before the Hon'ble Member for his acceptance. We are asking that the words "or is being controlled or instigated by a member" shall be deleted. As has been pointed out by the previous speaker, there will be no occasion for any lawyer to interpret this clause unless any order is passed against him under this Act. But that is one aspect of the matter. Another aspect I want to bring to the notice of the Hon'ble Member is that there would be no occasion for any judicial interpretation of any of the words of this Bill, when it becomes law. The words "is

being controlled," etc., must be admitted to be very vague. They may or may not refer to innocent persons or to innocent-looking persons and there is absolutely no reference to any of the acts contemplated in clauses 1, 2 and 3 being done with any particular intention. If not only an innocent-looking person but a really innocent person is being controlled by somebody else to do something without any such intention the words "is being controlled" will lead to his detention for an indefinite length of time. But I see the Hon'ble Member shaking his head. I think that without sufficient grounds before him he will not be strong enough to pass orders favourable to the man. I do say, Sir, that it is common knowledge not only among us, the representatives of the people, but also among Members on the Government benches, that it is really the village chaukidar who rules the country after all. It does not matter whether His Excellency the Governor is there, or an hon'ble member in charge of a certain department is there, in these matters the village chaukidar rules and it will be on the uncontradicted and untested testimony of the village chaukidar that the hon'ble member in charge will have to decide such cases. We all know, Sir, that actions, even of members of the Hon'ble Member's great Service—The Indian Civil Service—occasionally result in injustice. We all know the Midnapore case in which hundreds of respectable people were kept in hajat by the District Magistrate acting under the orders of his superiors if not of Government. But it was finally proved when the late Lord Sinha (then Mr. S. P. Sinha), the Advocate-General, arrived on the scene, it was proved beyond doubt that all these had taken place on the uncorroborated testimony of a wretch who signed a confession and at the bottom of the signature wrote "এই সমস্ত ভুল" (these are all untruths). These three words had escaped the notice of the local authorities including the District Magistrate, a member of the Indian Civil Service, and all the poor innocent men, including the Raja of Narajole, were kept in hajat for a long time. So I say, Sir, that there is a danger that even an hon'ble member of Government may be misled by the report of the village chaukidar, and if you keep these things vague like that without any chance of a judicial interpretation now or in the future, you do leave room for suspicion of miscarriage of justice. The omission of these words "or is being controlled," etc., will not, I think, affect the operation of the Bill in any way. The word "instigated" is there and it also appears in the Indian Penal Code and if the word "instigated" be kept as it is I do not think the absence of the words "or is being controlled" will really hamper the working of the Bill in any way.

The motion that in clause 2 (*1*), in line 12, the words "or is being controlled or instigated by a member" be omitted was then put and lost.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that in clause 2 (*1*), in line 12, the words "or is being controlled" be omitted.

After leaving intact the word "instigated" I have nothing more to add to what has already been said. I only wish that the Hon'ble Member, now that the word "instigated" is there, will consent to omit the words "or is being controlled." It is quite harmless and I do not think that if the word "instigated" is there, anybody with the least connection with a conspiracy will have any chance of escaping because within the import of the word "instigation" every one with any connection whatsoever with a conspiracy will be caught. Therefore, I hope, that this mild demand of mine will be accepted.

The Hon'ble Mr. W. D. R. PRENTICE: I am sorry that in such matters we must act under legal advice and I am advised that the omission of the words "or is being controlled" would affect the working of the Act. I cannot therefore accept the amendment.

The motion that in clause 2 (*1*), line 12, the words "or is being controlled" be omitted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Choudhury, Maulvi Nurul Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Rai Mahasai, Munindra Deb.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hosani.
Roy, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Sushil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Hegg, Mr. G. P.
Hopkyns, Mr. W. S.
Huq, Khan Sahib Maulvi Fazlul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.

Rahman, Mr. A. F.	Sen, Rai Sahib Akshoy Kumar.
Rahman, Mr. A. F. M. Abdur-	Smith, Mr. R.
Ray, Babu Nagendra Narayan.	Stapleton, Mr. H. E.
Roy, Mr. Bijoy Prasad Singh.	Steen, Lt.-Col. H. S.
Roy, Mr. Saileswar Singh.	Thompson, Mr. W. H.
Roy, Mr. Sarat Kumar.	Travers, Mr. W. L.
Sarkar, Sir Jadunath.	Twynam, Mr. H. J.
Sarker, Rai Sahib Rebati Mohan.	

The Ayes being 18 and the Noes 53 the motion was lost.

Adjournment.

The Council was then adjourned till 3 p.m., on Friday, the 22nd August, 1930, at the Town Hall, Calcutta.

APPENDIX.

Unveiling of the portrait of the Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri of Santosh, Kt., in the Council Chamber at the Town Hall, on the 21st August, 1930, by His Excellency Sir Hugh Stephenson, K.C.S.I., K.C.I.E., acting Governor of Bengal.

At 2-45 p.m. His Excellency the Governor entered the Council Chamber with the Hon'ble the President and at the request of the Hon'ble President took his seat on the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.

There was a large attendance of members and the visitors' galleries were crowded with ladies and gentlemen, representing different sections of the public.

Mr. Bijoy Prasad Singh Roy, addressing His Excellency, said—

As one of those with whom originated the idea of presenting a portrait of the Hon'ble President, to be placed in this Chamber, it is my pleasant duty to request Your Excellency to unveil the portrait of the Hon'ble Raja Sir Manmatha Nath Ray Chaudhuri of Santosh. Your engagements are numerous and you, Sir, are always hard pressed for time and I confess that it was not without some hesitation that I ventured to approach Your Excellency on the subject. We are grateful to you for your presence here this afternoon.

Sir, this portrait has been presented by members belonging to all sections of the House—officials and non-officials, Hindus, Muhammadans and Europeans, as a mark of respect and affection in which the Hon'ble President is held by them. Since his first election to the chair in January, 1927, he has tried to hold the scale even between the members representing different interests in this House, and has succeeded thereby to augment considerably the traditions and dignity of the chair. His high standard of impartiality, sweetness of temper, quick and firm decisions have endeared him to all sections of the House.

Sir, when the Council will be removed to its permanent habitation in the new Council House it is our desire that this portrait will also be transferred to the new building and placed in a suitable position to enable the future generations of Bengal's Legislators to draw inspiration from the portrait of one who has helped the growth of Parliamentary institutions in this province in its early stages and we hope that the portrait will find a proper place amongst the representations of the future speakers of Bengal's Parliament.

With these words I formally request Your Excellency on behalf of my hon'ble colleagues to unveil the portrait which has been painted by Mr. Durga Nath Bhattacharjee, a painter of great repute, who has painted many portraits for the aristocratic families of Calcutta.

His Excellency said—

Mr. President and members of the Bengal Legislative Council, it was a great pleasure to me to be asked to unveil the portrait of your President and I welcomed the opportunity it gave me of reviving my memories of the past and renewing my friendship with many of you who share those memories. I was a member of the Bengal Council practically continuously from the time in 1910 when I introduced the Calcutta Improvement Act to the time when I made my last appearance in your midst in 1926 to prorogue the Council prior to its dissolution. On that occasion I took, as I thought, my last farewell of Bengal after 31 years' sojourn in it, but fortune has brought me back to renew my connection with Bengal for a brief while and I am glad that I have the chance of taking part again on so friendly an occasion in the proceedings of your House. I believe this is the last session you will hold within these walls and though your new home will be the envy of other provinces and will be the scene under new circumstances of devoted labours crowned, I am confident, with success for the welfare of Bengal, it is perhaps fitting that the last function I attend in the House should be here where our eyes turn naturally to the past, the distance travelled, the fights well-fought and the achievements won.

Not the least of such achievements has been the building up of parliamentary life and we owe a debt of gratitude to our successive Presidents who have borne so large a part in that work. We have met this afternoon in recognition of this debt. The portrait I am about to unveil has been subscribed for by members of all parties in the House and is convincing testimony of the success of Raja Sir Manmatha Nath Ray Chaudhuri in his difficult office. The ideal President is the friend of all the House; we demand from him endless patience and infinite courtesy and tact; he must know how on occasions to be deaf and blind, but he must equally be able to recognise when the situation demands quick decision and firm handling. He must be able to gauge by intuition and experience the feelings of the House and he must be single minded in his resolve to maintain the dignity of the House of which he is custodian. I can claim the friendship of Sir Manmatha Nath for many years and I never doubted that he would prove that he possessed all these qualities. He is typical of all that is best in the aristocracy of Bengal; he is a man of wide interests and culture and his literary attainments have been widely recognised. He has thrice been returned as the representative

of the landholders of the Dacca Division, and as a member of the Council was a close student of its procedure and acquired a wide grasp of parliamentary pracitce. He was elected President in 1927 and you showed your confidence in him personally and your recognition of his ability by unanimously re-electing him last year. Perhaps an even more striking proof of the affection and respect in which he is held is to be found in the tributes that were paid to him from all shades of opinion when the dignity of Knighthood was conferred upon him, and I am glad to take this opportunity of adding my appreciation of an honour so well deserved and so pleasing to the House.

I am a firm believer in the influence of surroundings and I think it is right and proper that this Council should have in its midst the portraits of those who have borne a large part in shaping its destinies. I therefore accept with great pleasure, on behalf of the Council, this portrait which the subscribers have offered and I will now proceed to unveil it.

[The members present rose and stood while the portrait was being unveiled and greeted the unveiling with clapping of hands.]

On His Excellency returning to his seat, the Hon'ble President said—

Your Excellency and Gentlemen, I very much wish that I could be a silent listener on this occasion; but I am afraid it is not possible to break away from convention, which compels me to attempt to give expression to the feelings which are now uppermost in my mind. Language was no doubt given to man to express his thoughts; but there are moments, when overwhelmed with the kindness of others, we find it difficult to talk and prefer to think. I have complained of the tyranny of convention, but I can assure you that I do not use the language of convention when I say that I am now in one of such moments of my life. I do not really find words to adequately express the feelings of gratitude which this function, presided over by no less a personage than His Excellency the Governor of Bengal, has evoked within me.

You, Sir, have known me from my boyhood, and my public life may be said to have grown under your watchful eyes. Such being the case, it is natural that your generous remarks about myself would fill my heart with pride and that I should find in your weighty words that ring which inspires one to stand by his ideal and do his duty. (Hear, Hear.) I may assure you, Sir, that the impression which your words have created within me is deep and ineradicable.

On the other hand, proud as I am of the Bengal Legislative Council, which, I may incidentally observe, notwithstanding what might be said by our critics, looms large in the vision of our people and captures

their imagination as the nursery of true parliamentary form of government in this country, need I say that the hon'ble members of that august body have made the present moment of my life the proudest? Need I say that my portrait, which they have presented and caused to be hung up in front of me, will always remind me of their good-will and affection towards me? May God so ordain that I may come nearer to them and draw them nearer to me by service and sacrifice, devotion and fidelity.

A great thinker, I believe it was Emerson, said that friendship, or the end of friendship, is a commerce. It sounds queer but it buckles itself with reality. I can assure my hon'ble friends that I shall honestly try to give them as much as they have given to me. I distinctly remember, and God willing I shall never forget, what the same thinker of undying fame meant when he said that, if the gatherer gathers too much and gives too little nature takes out of him what she puts into his chest and that it is the part of prudence to face every claimant. So, I shall pay. (Cheers.) But at the same time I must warn my hon'ble friends, and that in your presence, Sir, that they will always find their friend in the chair a very exacting fellow —commercial in thought, commercial in action and commercial in every sense of the significant word which Emerson so judiciously used. (Laughter.) I want to prove and I want them to prove that our friendship is not merely an idle bond but something real, based on intellectual and moral obedience. (Loud applause.)

Raja Bahadur Bhupendra Narayan Sinha, of Nashipur, on behalf of himself and the other members present then thanked His Excellency the Governor for performing the ceremony. The Governor and the President left the Chamber together amid loud clapping of hands.

The portrait, which was a striking likeness of the President was then reviewed by the ladies and gentlemen present.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 22nd August, 1930, at 3 p.m.

Present:

MR. PRESIDENT (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 107 nominated and elected members.

Starred Questions

(to which oral answers were given).

Eden Hindu Hostel.

***114. Maulvi SYED MAJID BAKSH:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the total accommodation for boarders in the Eden Hindu Hostel attached to the Presidency College;

(*ii*) the number of boarders admitted into the hostel during the session 1930-31; and

(*iii*) the total annual expenditure incurred by Government every year for the maintenance of the hostel?

(*b*) Is there any other hostel or mess attached to the college for non-Moslem post-graduate or under-graduate students?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names of these hostels or messes;

(*ii*) the total accommodation in each such hostel or mess;

(*iii*) the number of boarders admitted in each hostel or mess during the session 1930-31; and

(*iv*) the total annual expenditure (including house rent) incurred by Government for each such hostel or mess?

(*d*) Is it a fact that the number of seats available in the Eden Hindu Hostel has not been filled during the session 1930-31?

(*e*) If the answer to (*d*) is in the affirmative, are the Government considering the desirability of accommodating students residing in the post-graduate or under-graduate messes attached to the Presidency College in the Eden Hindu Hostel?

(*f*) Is it a fact that an under-graduate ministerial officer of the college is in charge of one of the post-graduate messes of college?

(*g*) If so, will the Hon'ble Minister be pleased to state whether this is not against the Departmental Rules or the policy of Government requiring teachers to be placed in charge of the hostels or messes?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) For 201.

(*ii*) The number of boarders admitted up to date is 149.

(*iii*) The total annual expenditure incurred by Government is Rs. 6,994; against this has to be set receipts of Rs. 1,627.

(*b*) Yes, one post-graduate Hindu mess.

(*c*) (*i*) Presidency College attached Hindu post-graduate mess.

(*ii*) For 28 boarders.

(*iii*) At present 13. The M.A. and M.Sc. admissions are still going on and more students are expected.

(*iv*) Total expenditure incurred last year is Rs. 5,760; against this has to be set receipts of Rs. 2,885.

(*d*) Yes.

(*e*) It is not considered desirable that post-graduate students should reside in the Eden Hindu Hostel with boys fresh from schools and with other under-graduate students.

(*f*) Yes.

(*g*) The present policy of Government given effect to from 1911 is to appoint teachers only to be superintendents of hostels, but as this particular officer worked continuously from 1909 as superintendent of this hostel it has not been thought necessary to make a change.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether it is not possible to set apart a wing in the Eden Hindu Hostel in order that 13 boarders may be accommodated without allowing them to mix with undesirable students?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not think it is possible.

Mr. NARENDRA KUMAR BASU: Has the Hon'ble Minister ever been to the Eden Hindu Hostel?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Minister aware of the fact that in the Taylor Moslem Hostel in Calcutta post-graduates and under-graduates live in separate rooms?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: They may do so, but we consider it undesirable.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister agree that in the case of the Taylor Hostel he is committing a violation of the rules?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There is no question of violation, but it is not desirable.

Minority communities and backward classes in Provincial Services.

*115. **Mr. SARAT CHANDRA BAL:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a list of persons of the minority communities and backward classes who are at present serving in the different departments of the Bengal Provincial Services?

(*b*) Will the Hon'ble Member be pleased to state on what principle 10 per cent. of the services of the Bengal Civil Service Executive, Bengal Junior Civil Service and Bengal Excise Service and Bengal Junior Excise Service have been reserved for the minority communities and backward classes?

(*c*) Are the Government considering the desirability of reserving 20 per cent. of the Bengal Provincial Educational Service, Bengal Senior Service of Engineers, Bengal Engineering Services, Bengal Medical Services and other Provincial Services for the minority communities and backward classes?

(*d*) Is the Hon'ble Member aware that 10 per cent. of the Provincial Services is not proportionate to the numerical strength of the minority communities and backward classes of this Presidency?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The information is not available.

(*b*) It is incorrect to say that 10 per cent. of these services have been reserved. Appointments are made by promotion and by competitive examination. In the case of competitive examination, candidates from the minority communities and backward classes are free

to compete for 55 per cent. of the vacancies on their merits, separate lists being maintained for (*i*) minority communities and backward classes, and (*ii*) other Hindus. In order, however, to ensure the due representation of these communities and classes in the services, a further provision is made that if no members of the minority communities and backward classes are successful in obtaining an appointment by competitive examination, then the Governor in Council reserves to himself the right to nominate with the previous sanction of the Governor-General in Council any suitable candidate from the minority communities and backward classes who has qualified at the examination subject to the limitation that not more than 10 per cent. of the total appointments open for the competitive examination each year for these services (or if 10 per cent. be less than one, then one appointment) shall be filled by nomination.

(*c*) Not at present.

(*d*) The ratio of the number of members of the backward classes and minority communities to the total population of the province is not the factor accepted as controlling the number of appointments to be made by nomination from among candidates who have failed to gain a place by competitive examination.

Certain Sub-Registry offices in Chittagong.

*116. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact that the distance of the Kutubdia Sub-Registry office from that of Chakaria is less than that from the Cox's Bazar office?

(*b*) Are the Government considering the desirability of attaching the Kutubdia Sub-Registry office to the Chakaria Sub-Registry office?

(*c*) Is the Hon'ble Minister aware that for public convenience, the Government have placed the Barabakia sub-tahsil in Chakaria police-station under the Kutubdia Khas Tahsildar?

(*d*) Are the Government considering the desirability of making such a change regarding the Sub-Registry office too?

(*e*) Is it a fact that—

(*i*) there are three Sub-Registry offices in existence now in Satkania; and

(*ii*) there is only one Sub-Registry office for each of the police-stations Banskhali and Chakaria?

(*f*) Are the Government considering the desirability of establishing a Sub-Registry office at Puichari for the southern part of Banskhali and some part of Chakaria?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*) The Barabakia sub-tahsil has been placed under the Kutubdia Tahsildar for administrative convenience.

(*d*) No. A report is being called for from the Inspector-General of Registration, Bengal.

(*e*) (*i*) Yes.

(*ii*) There is one Sub-Registry office at thana Chakaria but there are two offices at thana Banskhali, each of which has concurrent jurisdiction over thana Banskhali comprising police-stations Banskhali and Anwara.

(*f*) No.

Satyagrahis and Contai National School.

***117. Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the police in the district of Midnapore, particularly in Contai, assaulted the satyagrahis who were breaking the salt laws?

(*b*) Why were these people not arrested and sent up for trial?

(*c*) Is the Hon'ble Member aware that as a consequence of the injuries received the assaulted satyagrahis had to be treated by some private doctor at the Contai National School?

(*d*) Is it a fact that on the 8th May, 1930, the police raided the National School at dead of night?

(*e*) Is it a fact that in the process of the raid the movable properties found in it were damaged and some looted?

(*f*) Is it a fact that the police arrested all the inmates leaving none to attend the injured persons inclusive of females?

(*g*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) how many were arrested that night from the said National School;

(*ii*) how many were released and after how many days' detention; and

(*iii*) the reason for their release?

(*h*) Is it a fact that the said National School is still in the possession of the police since the night of the 8th May? If so, under what authority?

(*i*) Are the Government considering the desirability of restoring it to its owner?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) In some cases force was used in dispersing unlawful assemblies of persons breaking the salt law in Contai subdivision.

(*b*) This course was deemed unnecessary.

(*c*) Government have no information about treatment by a private doctor at the National School: medical aid was invariably rendered by the local medical authorities to any injured person who asked for it.

(*d*) The school premises were searched on the night of the 8th May.

(*e*) No.

(*f*) No females were found on the premises. Two or three volunteers who feigned illness were removed to the hospital whence they absconded.

(*g*) (*i*) Ninety-seven.

(*ii*) Seventy-four, within eleven days.

(*iii*) Being young, they were admonished and sent home.

(*h*) It has remained under a guard to prevent its being used for unlawful purposes.

(*i*) It will be handed over to the School Committee as soon as the Committee undertake that the building will not be used for unlawful purposes.

Maulvi SYED MAJID BAKSH: With reference to (*f*), will the Hon'ble Member be pleased to let us know the source of information?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate.

Scheme to settle khas mahal lands in Faridpur with unemployed bhadralok youths.

***118. Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the progress of the working of the scheme in the district of Faridpur for dealing to some extent with the question of unemployment among middle class youths?

(*b*) Will the Hon'ble Minister be pleased to state the method of the practical training given to the *bhadralok* youths at the Faridpur Farm before settlement of khas mahal land with them?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the years 1928, 1929 and 1930—

(*i*) the number of applications received,

(*ii*) the number of youths taken in, and

(*iii*) the cost incurred by Government for training each youth?

(*d*) Will the Hon'ble Minister be pleased to state whether any advertisement is published to attract suitable candidates for the training?

(*e*) Will the Hon'ble Minister be pleased to state whether the Government have come to any decision as to whether the scheme has proved a success?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking in more youths for training from next year?

(*g*) Will the Hon'ble Minister be pleased to state whether necessary land and loan have been given to those youths who have completed their training?

(*h*) Will the Hon'ble Minister be pleased to state—

(*i*) whether the youths who have been given land and loan have been cultivating their lands themselves;

(*ii*) if so, what are their names;

(*iii*) where they have been given the land; and

(*iv*) what is the area of land given to each?

(*i*) Will the Hon'ble Minister be pleased to state what help these youths are getting from the Agricultural Department?

(*j*) Are the Government considering the desirability of publishing a detailed note on the working of the scheme for the information of the public and for circulation in the colleges of the province?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) to (*j*) It is not feasible to detail officers to collect the information and compile the reports called for in these questions. The Director of Agriculture is being instructed to deal with this subject in his next annual report, provided he can do so without exceeding the limit prescribed for his report.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether there is only one scheme for the district of Faridpur or for all the districts of the province?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: The institution in Faridpur is open to the boys of all the districts of Bengal.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to prepare a consolidated scheme for the whole of Bengal?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: We will await the result of this experiment.

Strand Road between Hooghly and Triveni.

***119. MUNINDRA DEB RAI MAHASAI:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware of the fact that the Strand Road between Hooghly and Triveni is being greatly damaged due to the heavy motor bus and lorry traffic?

(*b*) Is the Hon'ble Minister aware that the local municipalities cannot repair this road properly for want of funds?

(*c*) Are the Government considering the desirability of allotting funds from the Road Development Board for the proper upkeep of this important road?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) The road is reported to be in bad condition as the result partly of motor vehicle traffic.

(*b*) It is reported that the Hooghly-Chinsura municipality have been called on to make better provision for the repair of this road. They are not in so strong a position financially, owing partly to laxity of collections, as the Bansbaria municipality which should find no difficulty in maintaining their portion.

(*c*) Allotment of funds is made only by the Government of India to particular schemes approved by the Government of India with the advice of the Standing Committee of the Council of State and the Legislative Assembly after consideration of recommendations submitted by the Local Government who consult the Provincial Road Board. It is not clear whether this road would satisfy the requirements for a grant.

MUNINDRA DEB RAI MAHASAI: With reference to answer (*c*), will the Hon'ble Minister be pleased to make a recommendation for the inclusion of this main road in the future programme in view of the importance of the road having a direct link to the Grand Trunk Canal with the towns situated on the west side of the river Hooghly?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: This is a matter for the Road Board to consider and not for the Government.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister be pleased to draw the attention of the Board to this matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Yes.

Bengal (Rural) Primary Education Bill.

*129. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether his attention has been drawn to the following resolution which was passed by the conference of landholders held in Calcutta on the 13th July, 1930:—

"That this conference views with great consternation the imposition of the education cess on agricultural interests in the Bengal Presidency by the proposed Bengal (Rural) Primary Education Bill and that in the opinion of this conference the said Bill as it stands at present is not acceptable to either tenants, zamindars or tenure-holders even from an economic point of view and that the Government should provide necessary funds for the aforesaid Bill without further taxation."

(*b*) Are the Government considering the desirability of keeping in abeyance the Bengal (Rural) Primary Education Bill for the purpose of further investigation? If not, why not?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) No; the reasons will be learnt from the debate on the Rural Primary Education Bill.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Minister be pleased to state if he has examined the point raised in the resolution?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have nothing further to add.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether the resolution referred to in starred question No. 120 was duly considered by Government when framing the Bill?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The Bill was framed long before this resolution was passed.

Kishoreganj riots.

*121. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*a*) what is the numerical strength of the police forces now operating in the subdivision of Kishoreganj in the district of Mymensingh where riots have broken out leading to murders, arson and looting;

(*b*) how the trouble arose;

(*c*) what are the places where the police forces are now operating;

(*d*) what are the places where police forces have been despatched in apprehension of riots at those localities;

(*e*) what special measures have been adopted to protect women and children;

(*f*) if the Hon'ble Member is considering the advisability of increasing the present strength of the police forces in operation there both for the purposes of quelling the riots and also for preventing riots in localities which may be but have not been affected;

(*g*) if the Hon'ble Member is considering the desirability of giving the police further help from the military to protect life and property in the affected subdivision and in other subdivisions of the district where hooliganism is likely to spread;

(*h*) how many Hindu and how many Muhammadan houses have been burnt or looted;

(*i*) how many Hindus and how many Muhammadans were murdered or injured by the rioters;

(*j*) how many Hindus and how many Muhammadans were killed or injured by the police;

(*k*) how many Hindus and how many Muhammadans have been arrested;

(*l*) what is the estimated loss of property;

(*m*) how many applications from stake-holders and others of the affected district for special police protection in their residences or places of business and also for gun licences for self-defence have been received;

(*n*) how many persons have been bound down to keep the peace in the affected areas;

(*o*) whether the Hon'ble Member contemplates visiting the affected localities;

(*p*) whether the Hon'ble Member has drawn up any plan of action for the protection of life and property in the affected subdivision and other places of the district which are likely to be affected; and

(*q*) whether, if he has done so, he is prepared to lay the same before the House or mention its salient features?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) On the 11th August the forces operating were—

1 Additional Superintendent of Police.

1 Assistant Superintendent of Police.

2 Inspectors.

17 Sub-Inspectors.

8 Assistant Sub-Inspectors.

80 Constables.

(*b*) The causes appear to have been—

(*i*) discontent due to the low price of agricultural produce;

(*ii*) malicious instigation by persons described as maulvis and others who came from Bhawal and Dacca; and

(*iii*) lawlessness due to the civil disobedience movement and propaganda accusing Government of supporting the Muhammadans at Dacca.

(*c*) Pakundia, Matkhola, Chandipasa, Maijhati, Jangalia, in police-stations Pakundia, Hosseinpur, Govindapur, Hajipur, in police-stations Hosseinpur, Kishoreganj and Katiadi.

(*d*) None.

(*e*) None: the disturbances are over.

(*f*) No.

(*g*) No.

(*h*) 1,033 Hindu houses were looted, of which 8 were burnt; six Muhammadan houses were looted.

(*i*) Nine Hindus were murdered and three injured, of whom two have died.

(*j*) Eight Muhammadans were killed by the police.

(*k*) Up to 8th August, one Hindu and 182 Muhammadans had been arrested.

(*l*) Rs. 4,01,665 excluding documents.

(*m*) None for protection since the disturbances. Forty-five applications for gun licences have been received.

(*n*) None.

(*o*) No.

(*p*) No. The disturbances are over.

(*q*) Does not arise.

Rai Bahadur KESHAB CHANDRA BANARJI: With reference to clause (*l*), will the Hon'ble Member be pleased to state the valuation of the documents taken away by the rioters?

The Hon'ble Mr. W. D. R. PRENTICE: I have no information.

Maulvi TAMIZUDDIN KHAN: With reference to answer (*h*) (*ii*), will the Hon'ble Member be pleased to state whether the identity of these so-called maulvis has been established?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state whether any attempt was made to trace out these so-called maulvis?

The Hon'ble Mr. W. D. R. PRENTICE: Attempts have been and are being made.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether it is in the report of the District Magistrate or of the Subdivisional Magistrate?

The Hon'ble Mr. W. D. R. PRENTICE: The report of the District Magistrate.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether the District Magistrate's report is based on the Subdivisional Magistrate's report?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate did not state the source of information, but he was personally in the locality and I suppose he made inquiries from the Subdivisional Magistrate and others.

Mr. NARENDRA KUMAR BASU: With reference to answer (*d*), will the Hon'ble Member be pleased to state whether Government is concerned only with the protection of life and property when some disturbances are going on and not later or earlier?

The Hon'ble Mr. W. D. R. PRENTICE: There are normal forces to deal with normal conditions, but to deal with abnormal conditions additional forces are required.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answer (*b*) (*iii*), will the Hon'ble Member be pleased to state whether these propagandists, who were accusing the Government of encouraging the movement, have been traced or any attempt has been made to trace them?

The Hon'ble Mr. W. D. R. PRENTICE: Some arrests have been made I am informed.

Babu SATISH CHANDRA RAY CHOWDHURY: With reference to answer (*c*), will the Hon'ble Member be pleased to state whether threatenings and attempts at molestation are being made there by the mobs in the villages and reports have reached both the Collector and Government?

The Hon'ble Mr. W. D. R. PRENTICE: I have not seen any report.

Mr. NARENDRA KUMAR BASU: Having regard to the fact that ordinary forces at the disposal of Government have lamentably failed during the riots in Kishoreganj, will the Hon'ble Member be pleased to state if any precautions have been taken by Government to see that these disturbances are not started again?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate has full control of the situation now.

Maulvi SYED MAJID BAKSH: Has it come to the knowledge of the Hon'ble Member that one of the causes of the disturbance is an economic one?

The Hon'ble Mr. W. D. R. PRENTICE: I have stated in (*b*) (*i*) that the discontent was due to the low price of agricultural produce.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether, excepting the low price of agricultural produce, it is a fact that the disturbance was due to economic difficulties between creditors and debtors?

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will wait and refer to the reply given to unstarred question No. 153, he will see that the Hon'ble Member in charge of the Revenue Department has stated all the facts regarding it.

Kata-Khali khal project.

***122. Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what progress, if any, has been made to give effect to the Kata-Khali khal project prepared years ago?

(*b*) Will the Hon'ble Member be pleased to state whether the Government have since referred the matter to the Collector, 24-Parganas, to ascertain the information regarding the outline of the scheme under the Bengal Agricultural and Sanitary Improvement Act, 1920?

(*c*) Is it a fact that the inverts of the culverts or bridges on the district board roads cause obstruction to the flowing stream of the Srichanda khal?

(*d*) If so, are the Government considering the desirability of asking the district board of the 24-Parganas district for their removal under the Embankment Act?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) The project was dropped because those likely to be benefited did not agree to pay the cost. It has recently been revived.

(*b*) The Collector has recently referred the matter to the Irrigation Department and the old project is now being revised with a view to action being taken under Act VI of 1920.

(*c*) This question has been looked into several times and obstruction has not been proved.

(*d*) No.

Mr. P. BANERJI: Is the Hon'ble Member aware that the people did not agree to pay the cost but only wanted to pay it by instalments on account of their straitened circumstances?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Government have no information in the matter.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether he cannot take up the project under the Canals Act?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The question is now being examined by the Executive Engineer, Canals Division.

Superintendent, Bengal Tanning Institute, Calcutta.

*123. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether it is a fact that the Superintendent of the Bengal Tanning Institute, Calcutta, is a part-time officer of Government employed on contract basis?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) how many hours he has to work at the institute every day;

(*ii*) during what hours of the day he does that work; and

(*iii*) whether there is any record to show that he renders the full stipulated period of service every day?

(*c*) If the answer to (*b*) (*iii*) is in the negative, will the Hon'ble Minister be pleased to state how Government satisfy themselves on this point and whether they propose to maintain such records in future?

(*d*) Is it a fact that the Superintendent generally attends office after 5 p.m. and detains the office staff till 8 or 9 p.m.?

(*e*) Will the Hon'ble Minister be pleased to state—

(*i*) whether there is any register of attendance of the subordinate ministerial and menial staff of the institute;

(*ii*) whether the hours of arrival and of departure of the staff are recorded therein; and

(*iii*) what is the average number of hours of daily attendance of each member of the office staff (ministerial and menial) during the last two years?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) Yes.

(*b*) (*i*) and (*ii*) The member is referred to the reply given to the unstarred question No. 12 asked by Mr. C. G. Cooper at the meeting of the Legislative Council held on 23rd August, 1927.

(*iii*) No.

(*c*) Government are satisfied that the officer has strictly complied with the terms of his agreement. They do not therefore propose to maintain any such records in future.

(*d*) No, but the office staff has sometimes to be detained after 5 p.m. in the interests of the public service.

(*e*) (*i*) and (*ii*) Yes.

(*iii*) About 8 hours on the average.

Nomination for Sub-Registrarship.

***124. Mr. MUKUNDA BEHARY MULLICK:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether there is any rule which restricts the nominations of the Inspector-General of Registration only to the relations of the officers of the Registration Department?

(*b*) If so, will the Hon'ble Minister be pleased to lay a copy of the said rule on the table?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No.

(*b*) Does not arise.

Prosecution in Bengal under the Child Marriage Act.

***125. Mr. SHANTI SHEKHARESWAR ROY:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state the number of prosecutions and convictions in Bengal under the Child Marriage Restraint Act popularly known as the Sarda Act up to the end of July, 1930?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): There have been no prosecutions in Bengal under the Child Marriage Act.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether he is satisfied that there has been no breach of this law?

The Hon'ble Mr. W. D. R. PRENTICE: I have no knowledge.

Maulvi SYED MAJID BAKSH: From the answer given will the Hon'ble Member be pleased to state if we are to understand that there have been no prosecutions?

The Hon'ble Mr. W. D. R. PRENTICE: There have been no prosecutions.

Mr. SHANTI SHEKHARESWAR ROY: Has Government issued any instructions not to prosecute anybody under this Act?

The Hon'ble Mr. W. D. R. PRENTICE: Some instructions have been issued. I forget the exact wording of them.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state the gist of the instructions issued?

The Hon'ble Mr. W. D. R. PRENTICE: As far as I recollect they are to the effect that this was a new Act and it was not to be worked rigorously to start with.

Fellowships awarded by International Board of Health of Rockefeller Foundation.

*126. **Dr. Sir NILRATAN SIRCAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state what are the terms and conditions under which the scholarships for post-graduate medical training have been endowed by the Rockefeller Foundation for India?

(*b*) Will the Hon'ble Minister be pleased to state whether any scholarship is available for scholars from Bengal? If so, since when?

(*c*) What are the names of the persons who obtained such scholarships from Bengal?

(*d*) What are the names of the respective countries to which they have been sent or were sent for training?

(e) Is it a fact that these scholars take up particular branches of the medical and surgical sciences for study?

(f) Is it a fact that when they finish their courses of studies they do not get employment in the particular branches which they studied? If so, why so?

(g) Is it a fact that the scholarships lapsed in some cases?

(h) If so, will the Hon'ble Minister be pleased to state the reasons for the same?

MINISTER in charge of LOCAL SELF-GOVERNMENT (MEDICAL) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (a) Government are not aware of any such scholarships endowed for India, but the member possibly refers to the Fellowships awarded by the International Board of Health of the Rockefeller Foundation for which nomination of candidates from India is called for from time to time.

(b) The Government of Bengal have been asked on some occasions to nominate candidates.

(c) The Government of Bengal have not been informed of any such names.

(d), (e) and (f) Do not arise.

(g) The Government of Bengal have no information.

(h) Does not arise.

Assistant Inspector of Weaving Schools.

*127. **Mr. SARAT KUMAR ROY:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state for how long and since when the post of the Assistant Inspector of Weaving Schools has been kept vacant?

(b) What are the reasons for not filling up the vacancy?

(c) Has any difficulty or inconvenience been experienced owing to the absence of this officer?

(d) If so, what are they and what steps have been taken to get over such difficulties and inconveniences?

(e) What was the amount provided in the budget for this officer's travelling expenses for the year 1929-30?

(*f*) Has any portion of this amount been expended, and if so, by whom?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) For a year and a half—since 4th February, 1929.

(*b*) It was expected that the Assistant Inspector of Weaving Schools, who has been sent to Serampore to officiate for the retiring Principal, would rejoin his post shortly and no officiating arrangement was therefore considered necessary.

(*c*) Yes, to some extent.

(*d*) The inspection work has suffered to a certain extent but steps have been taken to get the work done by other officers of the department as far as practicable. Recruitment of the permanent Principal is being expedited to get the Assistant Inspector of Weaving Schools relieved from Serampore as early as possible.

(*e*) Rs. 3,500 was provided for the Inspector of Technical and Industrial Institutions and the Assistant Inspector of Weaving Schools.

(*f*) Yes, the whole amount was required for the travelling allowance of the Inspector of Technical and Industrial Institutions.

Legal post mortem examinations by the medical staff of non-official medical institutions.

*128. **Dr. Sir NILRATAN SIRCAR:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state whether it is a fact that legal post mortem examinations are not allowed to be carried out by the medical staff of non-official medical institutions in Bengal, however qualified the staff may be?

(*b*) Is it a fact that such post mortems are a monopoly of the Police Surgeon?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement showing for the last ten years—

(*i*) the names of the Police Surgeons; and

(*ii*) their previous experiences in post mortem works?

(*d*) Is it a fact that the authorities of the National Medical Institute of Calcutta applied to Government for permission to carry out such post mortem examinations?

(*e*) If so, has permission been granted to that institution? If not, why not?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) It is presumed that the member refers to post mortem examination in criminal cases or in cases of suspicious death. These are carried out in Calcutta by the Police Surgeon and staff and outside Calcutta by the Civil Surgeon or his subordinate officers.

(*b*) See (*a*).

(*c*)-(*i*) A statement is laid on the table.

(*ii*) It is not clear what experience is implied other than that of medical training and practice.

(*d*) No such application has been received by Government.

(*e*) Does not arise.

Statement referred to in the reply to clause (c) (i) of starred question No. 128 showing the names of Police Surgeons for the last ten years.

Lieutenant-Colonel N. P. Sinha, I.M.S. (retired).

Lieutenant-Colonel K. S. Thakur, I.M.S.

Lieutenant-Colonel C. A. Godson, M.C., I.M.S.

Lieutenant-Colonel O. St. John Moses, I.M.S. (retired).

Major J. C. De, I.M.S.

Major A. C. Chatarji, I.M.S.

Major H. G. Alexander, I.M.S.

Major B. G. Mallya, I.M.S.

Attendance of officers of the Industries Department at the Indian Science Congress, Allahabad.

*129. **Mr. SARAT KUMAR ROY:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state who were the officers of the Industries Department allowed to attend the Indian Science Congress at Allahabad in January, 1930, and in which subjects did they respectively take active part?

(*b*) Did they submit reports to the Director of Industries?

(*c*) If so, what action, if any, has been taken on them?

(*d*) Are all the officers members of the Science Congress?

(*e*) If so, what are the respective dates of their admission?

(*f*) What has been the cost to Government for each of these officers on this account and what benefit did the department derive by their attendance?

(*g*) What are the principles followed in allowing such officers to attend the meetings of the Science Congress?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) and (*e*) A statement is laid on the table.

(*b*) No.

(*c*) Does not arise.

(*d*) Yes.

(*f*) The statement referred to above furnishes the information required.

The department is benefited in that the knowledge and experience gained by participation in the discussions and by general interchange of ideas are utilised by the officers in the pursuit of their departmental activities.

(*g*) The principles followed in allowing officers to attend the Congress are that the officers should be scientists and technical experts and that they can be spared for the purpose.

Statement referred to in the reply to clauses (a) and (e) of starred question No. 129.

Officers.	Subjects.	Date of admission.	Cost on account of travelling allowance.
			Rs. A.
(a) and (e) Industrial Chemist ..	Chemistry	1914	194 2
Inspector of Technical and Industrial Institutions.	Mathematics, Science and Psychology.	1929	184 2
Research Chemist, Bengal Tanning Institute.	Chemistry (in relation to tanning industry).	1922	145 9
Tannery Foreman, Bengal Tanning Institute.	Ditto ..	1926	103 4

Calcutta Technical School.

*130. **Mr. SARAT KUMAR ROY:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing—

(*i*) the total sum of money so far spent by Government on Calcutta Technical School, 110, Corporation Street;

(*ii*) the amount of annual grant to the institution;

(*iii*) the amount of annual income from fees; and

(*iv*) the amount of annual income, if any, from other sources?

(*b*) Is the school managed directly by the Government through the Director of Industries or by a non-Government agency?

(*c*) If the school is managed by a non-Government agency, will the Hon'ble Minister be pleased to state whether the management is satisfactory and the public funds are properly utilized?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) full name;

(*ii*) religion;

(*iii*) University degree only;

(*iv*) teaching work in hours per week according to the Board of Control for Apprenticeship Training Syllabus only;

(*v*) present annual salary including house allowance and provident fund bonus;

(*vi*) date of joining the service;

(*vii*) designation; and

(*viii*) grade in the service

of the present staff members of the said school?

(*e*) What is the total number of students at present attending the school?

(*f*) How many hours per week does the school remain open for imparting instruction?

(*g*) What is the cost per student?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) (*i*) to (*iv*) A statement is laid on the table.

(*b*) The school is managed by a non-Government agency.

(*c*) Yes.

(*d*) (*i*) to (*viii*) A statement is laid on the table.

(*e*) One hundred and ninety-three.

(*f*) 20 hours.

(*g*) Rs. 427 according to last year's figures.

Statement referred to in reply to clause (a) of the starred question No. 130.

(*i*) Total sum of money spent by Government up to 31st March, 1930—Rs. 13,05,280.

(*ii*)

Year.	Amount of annual grant to the institution.
	Rs.
1926-27	... 47,500
1927-28	... 52,500
1928-29	... 52,600
1929-30	... 60,555

(*iii*)

Year.	Amount of annual income from fees.
	Rs.
1926-27	... 18,732
1927-28	... 13,756
1928-29	... 12,771
1929-30	... 16,173

(*iv*)

Year.	Amount of annual income from other sources.
	Rs.
1926-27	... 4,650
1927-28	... 4,701
1928-29	... 4,095
1929-30	... 4,313

Statement referred to in reply to clause (d) of the starred question No. 130.

Name.	Religion.	University Degree.	Teaching work per week according to B C A T. Syllabus.	Annual Salary including H. A. and P. A. contributions.	Date of joining service.	Designation.	*Grade.
1	2	3	4	5	6	7	8
				Rs.			Rs.
1. Ernest James Hogben, B.A. (Oxon.), A.R.C. (Lon.), M.I.E. (Ind.).	Christian ..	B. A. (Oxon.)	The work of the school is not confined wholly or exclusively to the B. C. A. T. requirements and cannot be accounted for separately.	19,381	12-12-1925 ..	Principal ..	1,200—50—1,500
2. †Arthur Raymond Nissar, B.E., M.A., I.E.E., M.A.S. M.C.E. M.I.E. (Ind.).	Non-denominational Mahomedan.	E. E (Ohio U. S. A.).	Ditto ..	12,595	24-2-1927 ..	Lecturer in Electrical Engineering.	600—40—1,000
3. †Gobinda Ram Sahgal, B.A., B.Sc. (Calif.), A.M.I.E. (Ind.).	Hindu ..	B. A., B. Sc. (Calif.)	Ditto ..	10,306	11-9-1926 ..	Lecturer in Mechanical Engineering.	600—40—1,000
4. †Indu Bhusan Mukerjee, M.Sc. (Cal.).	Hindu ..	M. Sc. (Calcutta).	Ditto ..	3,191	2-7-1926 ..	Assistant Lecturer in Mathematics.	200—20—400
5. †Gour Chandra Roy, B.Sc. (Engineering).	Hindu ..	B. Sc (in Eng.), Hindu University, Benares.	Ditto ..	2,924	25-7-1927 ..	Assistant Lecturer in Electrical Engineering.	200—20—400

NOTE.—A post of Assistant Lecturer in Mechanical Engineering is vacant.

* There is no graded service in the school. However scale of pay of each is given.

† NOTE.—All Lecturers with the exception of the Principal are serving on monthly basis, although Nos. 2, 3 and 4 were originally engaged on three years' contract which expired in March, 1930.

Name.	Religion.	University Degree.	Teaching work per week according to B.C.A.T. Syllabus.	Annual Salary including H. A. and P. A. contributions.	Date of joining service.	Designation.	*Grade.
1	2	3	4	5	6	7	8
Part-time Lecturers.							
6 S. W. White, of East Indian Railway.	Information not available ..		The work of the school is not confined wholly or exclusively to the B. C. A. T. requirements and cannot be accounted for separately.	Total fees per annum for all these part-time lecturers amount to about Rs. 17,000 and they are paid by time-scale at the rate of Rs. 10 per hour.	Appointments renewed each term.	Lecturer in Drawing.	No grade.
7. J. A. C. Brown, of Norman Stewart.	Ditto		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
8. A Gossland, of Dorman Long.	Ditto		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
9. G P. Chestney, of Burn & Co.	Ditto		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
10. H. S. Robins, of Burn & Co.	Ditto		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
11. A. A. W. Jenkins, of Burn & Co.	Ditto		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
12. W. L. Morrison, of Burn & Co.	Ditto		Ditto ..	Ditto ..	Ditto ..	Ditto ..	Ditto.
13. H. Gibson, of Burn & Co.	Ditto		Ditto ..	Ditto ..	Ditto ..	Lecturer in Metallurgy.	Ditto.
14. A. Oxley, of J. R. Norton.	Ditto		Ditto ..	Ditto ..	Ditto ..	Lecturer in Plumbing.	Ditto.
15. G. Waugh, of East Indian Railway.	Ditto		Ditto ..	Ditto ..	Ditto ..	Lecturer in Plumbing Drawing.	Ditto.

* There is no graded service in the school. However scale of pay of each is given.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state whether it is not a fact that Mr. Hogben has never undertaken any teaching work since he joined the institution?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state the reason why a non-denominational Muhammadan gentleman, who joined in 1927, has been placed in charge of the institution in the absence of Mr. Hogben in preference to other men who joined one year earlier?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: The Governing Body made a recommendation to this effect and this recommendation was approved by the Government.

Mr. P. N. GUHA: Is the Hon'ble Minister aware of the fact that owing to the whole management of the institution being unsatisfactory, the Corporation of Calcutta refused to make any grant to it?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Not so far as I am aware.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state whether Government are thinking of provincialising the institution shortly?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: We are not considering the question of provincialising the school at present.

3-30 p.m.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state the total amount that is spent on lecturers who go there for a very short time in the evening?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Mr. P. N. GUHA: Will the Hon'ble Minister be pleased to state if the Government would care to instruct the Governing Body of the institution to appoint whole-time men in place of those who go there only for half an hour or so?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: At present Government think it unnecessary to interfere with the discretion of the Governing Body.

Unstarred Questions

(answers to which were laid on the table).

Cause of the Kishoreganj disturbances.

153. Nawab KHWAJA HABIBULLAH: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the recent disturbances at Kishoreganj subdivision are mainly due to economic distress on account of flood and failure of crops?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what steps, if any, have been taken to give relief to the area affected?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) The Collector reported to the Revenue Department that in thanas Mitamain, Itna, Astagram and a small portion of Bajitpur there was scarcity of money and food on account of early rising of water and consequent damage to aman and jute, but according to the information of this department no economic distress caused by flood and failure of crops prevailed in thanas Kishoreganj, Hosseinpur, Pakundia, Katiadi, Gaffargaon, Nikli and Nandail which were the thanas affected by recent disturbances.

(*b*) Does not arise.

Number of teachers in certain Government and aided schools.

154. Maulvi ABUL KASEM: Will the Hon'ble Minister in charge of the Education Department be pleased to state how many Mussalman teachers, other than oriental teachers, are there in each of the following Government and aided schools:—

(1) the Birbhum Zilla School;

(2) the Benimadhab Institution, Suri;

(3) the Hetampur Raj High English School;

(4) the Rampurhat High English School;

(5) the Rampurhat Union School;

(6) the Burdwan Town School;

(7) the Hooghly Collegiate School; and

(8) the Uttarpara Government School?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (1) Four.
(2) One.
(3) Nil.
(4) One.
(5) One.
(6) Two.
(7) One.
(8) Nil.

Election of Babu Kishoripati Roy as Chairman, Midnapore district board.

155. Mr. R. MAITI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that Babu Kishoripati Roy was re-elected as Chairman of the Midnapore district board in March, 1930?

(*b*) Is it a fact that his confirmation was delayed about 3 months towards the end of which the District Magistrate was appointed Chairman in supersession of the elected Chairman?

(*c*) Is it a fact that the services of Babu Kishoripati Roy for the Midnapore district board as its Chairman in the previous session were appreciated by the Government in the Government Local Self-Government resolutions reviewing the reports on the working of the district boards in Bengal during the years 1927-28 and 1928-29?

(*d*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what was the reason for the delay in confirming Babu Kishoripati Roy's election as Chairman and his ultimate supersession by the District Magistrate?

(*e*) Is it a fact that in consequence of such action on the part of the Government a large majority of the elected members of the district board and local boards have resigned their posts by way of a protest?

(*f*) Why did not the Government direct the board to elect some non-official Chairman other than Babu Kishoripati Roy, if it was not found possible to confirm him, instead of appointing an official Chairman?

(*g*) Are the Government considering the desirability of restoring to the district board of Midnapore the right of re-electing its Chairman?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) Babu Kishoripati Roy was elected Chairman of the Midnapore district board at a special meeting on the 15th March, 1930; but the election was not confirmed by Government.

(*b*) The District Magistrate was appointed Chairman in notification No. 296 L. S.-G., dated the 13th June, 1930.

(c) This was the case in the resolution for 1927-28 but not in that for 1928-29.

(*d*) Information placed before Government as to the recent activities of the district board under the Chairmanship of Babu Kishoripati Roy led Government to conclude that no other course was possible.

(*e*) On the district board eight out of 22 elected members, and on the local boards 28 out of 78 elected members have tendered their resignation, only one of whom specified as grounds for his action the refusal of Government to confirm the election of Babu Kishoripati Roy.

(*f*) See (*d*).

(*g*) The question will not arise until next year under clause 2 of section 29A of the Local Self-Government Act.

Roads selected for provincialisation.

156. Babu SUK LAL NAG: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state how many years it will take to complete all the roads selected for provincialisation?

(*b*) If the time is likely to be very long, are the Government considering the desirability of taking up all the roads at the same time with rateable progress so that undue preference be not given to a selected few to the disappointment of the remainder?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) No roads have been selected for provincialisation.

(*b*) If the member means roads to be improved from the Road Fund, the answer is in the negative. The available funds are distributed to secure the maximum advantage with due regard to the claims of all parts of the province.

Grand Trunk Road in the Burdwan Division.

157. Mr. E. C. ORMOND: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state—

(*i*) what steps have been taken to repair the Grand Trunk Road in the Burdwan Division; and

(*ii*) whether repairs of a more substantial kind than hitherto will be undertaken this year?

(b) have any instructions been given to proceed with any thorough repairs?

(c) Is it the intention of the Government to undertake regular repairs throughout the year whenever repair is found necessary?

(d) Will the Hon'ble Minister be pleased to lay on the table a statement showing how much is intended to be spent on this road during the financial year ending 31st March, 1931—

(i) by district boards;

(ii) from the Central Road Fund;

(iii) by the Public Works Department; and

(iv) from other sources?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (a) (i) Repairs are in progress to such extent as the budget grants permit.

(ii) Ordinary repairs will be on the same scale as in previous years, but portions of the road will be improved as a charge against the Road Fund.

(b) There are standing orders to do so within the budget limits.

(c) Petty repairs are done throughout the year and re-metalling during the rains as far as funds permit.

(d) Rs. 2,00,000 from the Provincial Budget and Rs. 1,25,000 from the Central Road Fund if the latter is voted. No funds are derived from district boards or other sources.

Howrah-Makardah District Board Road.

153. Babu HARIBANSA ROY: (a) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that there is an agreement between Messrs. Martin & Co., Managing Agents of the Howrah-Amta Light Railway Company, Ltd., and the district board, Howrah, whereby the Government has ultimate control over, and Government engineers have full authority to inspect, the Howrah-Makardah District Board Road?

(b) Is it a fact that the said road remains in a highly deplorable condition during all seasons of the year?

(c) Who is responsible for this state of affairs?

(d) Is it a fact that the Howrah-Amta Light Railway Company have encroached upon portions of the said road reserved for pedestrians and ordinary vehicular traffic?

(e) If the answers to (b), (c) and (d) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government propose to take in the matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) The only agreement of which Government are aware between the Howrah-Amta Light Railway Company, Ltd., and the Howrah district board is that dated 12th June, 1889, which does not include the terms suggested.

(*b*) No, though there is room for improvement in view of the traffic.

(*c*) Does not arise.

(*d*) Government are not aware of such encroachments.

(*e*) Does not arise.

Scheme for eradication of malaria.

159. Mr. BIJOY PRASAD SINGH ROY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government have got any definite scheme for the eradication of malaria from Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when the Government propose to carry the scheme into effect?

(*c*) Do the Government propose to float a loan to finance the scheme, if necessary?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) and (*b*) If the member implies a single comprehensive scheme on which Government would rely for the eradication of malaria from Bengal, the answer is in the negative, this lying beyond the bounds of practical possibility. Apart from the expenditure on Public Health by local bodies and grants towards this expenditure the Public Health Department have the following specific local schemes in progress:—

ANTI-MALARIA SCHEMES.

(1) Burdwan Civil Station.
(2) Birnagar municipality.
(3) Santipur municipality.
(4) Krishnagar municipality.
(5) Banka Valley.
(6) Singaran Topsi Collieries.

MALARIA RESEARCH STATIONS AND OBSERVATORIES.

(1) Calcutta Malaria Research Laboratory.
(2) Krishnagar Malaria Research Laboratory.
(3) Sonarpur Malaria Research Observatory.
(4) Saili Observation Station.

It is understood that the Irrigation Department have also recently initiated schemes for flushing in the Burdwan and Hooghly districts with water from the river Damodar.

(*c*) Does not arise.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state if Government is prepared to frame a comprehensive scheme for the province as a whole; and if one comprehensive scheme is not practicable according to the opinion of Government, is Government prepared to frame individual schemes for the different parts of the province?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: It is primarily a question of finance. I have just taken over the Department and should like to have time to study the situation before I can give a reply which will satisfy the hon'ble member.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state what does Government mean by the expression "Anti-Malaria Scheme" at Burdwan civil station? Does it cover only the compound of the residences of the Government officials at Burdwan town?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Road from Vishnupur to the eastern limit of the Bankura district.

160. Babu SATYA KINKAR SAHANA: (*a*) Is the Hon'ble Minister in charge of the Public Works Department aware that there is no road from Vishnupur to the eastern limit of the Bankura district, a distance of about 25 miles?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government contemplate taking in the matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) Yes.

(*b*) The question is one for consideration by the district board of Bankura and the member may refer the matter to them.

Dinajpur District Jail and non-official visitor Maulvi Hassan Ali.

161. Maulvi HASSAN ALI: (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware that Maulvi Hassan Ali, a non-official visitor to Dinajpur District Jail, was not allowed during his visit to the said jail on 3rd August, 1930, to inspect the Division III student prisoners in the jail who were convicted for political offences?

(*b*) Is it a fact that the jailor told the visitor that he could not allow him under any circumstances whatsoever to visit the student prisoners for political reasons?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what were those reasons?

(*d*) Is it a fact that the said visitor was not also allowed to visit the jail hospital?

(*e*) If so, will the Hon'ble Member be pleased to state the reason therefor?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) On the occasion of his visit on the 3rd August, 1930, Maulvi Hassan Ali was permitted to visit every portion of the jail except those hospital wards where prisoners whom the Maulvi Sahib is not entitled to visit were, owing to difficulties of accommodation, temporarily confined in association with some prisoners in Division III.

(*b*) and (*c*) The extent to which the visitor's movements were restricted and the reason therefor has been described in the answer to (*a*) above.

(*d*) and (*e*) The member is referred to the answer given to (*a*) above.

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state what kind of prisoners an ordinary visitor of a jail is entitled to visit?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already answered that question, and I have nothing to add.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether the reasons for not allowing Mr. Hassan Ali to visit the other prisoners were explained to him by the Jailor?

The Hon'ble Sir PROVASH CHUNDER MITTER: Mr. Hassan Ali was allowed to visit the prisoners who were inside the prison.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state whether the reasons for not allowing Mr. Hassan Ali to visit the prisoners were explained to him by the Officer-in-charge?

The Hon'ble Sir PROVASH CHUNDER MITTER: Possibly, they were explained to him.

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state if it is not a fact that Division I prisoners are not allowed to be visited by an ordinary visitor?

The Hon'ble Sir PROVASH CHUNDER MITTER: Division I prisoners and detenus are not to be visited by the ordinary visitors.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state whether it is a fact that Maulvi Hassan Ali was not allowed to visit those hospital wards in which there were no political prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: They were all mixed up together. That is not a fact.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state what provision has been made for the inspection of visitors of Division I?

The Hon'ble Sir PROVASH CHUNDER MITTER: There is no provision for inspection of visitors.

Malaria and Kala-azar at Nator.

182. Maulvi MOHAMMED BASIR UDDIN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to lay on the table a statement showing, year by year, for the last five years, the total number of—

(*1*) malaria, and

(*2*) kala-azar

cases that have been treated at the subdivision town of Nator?

(*b*) What steps, if any, have been taken by the department for clearing the jungles and re-excavating the silted tanks in the subdivision town?

(*c*) If no steps have yet been taken, are the Government considering the desirability of taking immediate steps in the matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) The total number of malaria and kala-azar cases treated at the subdivisional headquarters is as follows:—

	Malaria.	Kala-azar.
1925	... 3,967	... 612
1926	... 2,478	... 537
1927	... 2,402	... 387
1928	... 2,519	... 340
1929	... 3,474	... 410

(*b*) Clearance of jungle and weeds in the municipal area is the function not of the Public Health Department but of the municipality, who are reported to have taken some steps in this direction. Jungle and weeds however remain in great quantities. There are reported to be no silted up tanks within the municipal area.

(*c*) Does not arise.

Women picketing Bethune College.

163. Mr. NARENDRA KUMAR BASU: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state under what authority the police on the 18th July, 1930, took a number of women picketers arrested by them near the Bethune College, miles out into the interior and left them stranded there?

(*b*) What steps, if any, have been taken to deal with the persons responsible for such an action?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Women picketers were not taken miles out into the interior and left stranded. Some women picketing Bethune College were removed to another part of the Calcutta Police jurisdiction, under the authority which the police have for dispersing unlawful assemblies, and for that purpose.

(*b*) None.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether there is any statute or any authority for the police to remove people from one part to another part of the police jurisdiction?

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I have not examined the legal point, but I believe there is a provision in the Police Act about removing people.

Road Development scheme.

104. Mr. J. CAMPBELL FORRESTER: Would the Hon'ble Minister in charge of the Local Self-Government Department be pleased to answer the following questions:—

(*a*) What allowance has been made for the increased maintenance charge that will fall on local bodies as a result of the improvement schemes contemplated in road development?

(*b*) Is the Hon'ble Minister satisfied that all the schemes put forward represent the best value for money, and whether due care was taken and will be taken in future to ascertain and consider the views of representative bodies, commercial or otherwise, such as the Chamber of Commerce, and the Indian Roads and Transport Development Association?

(*c*) Is the Hon'ble Minister satisfied that the Province's Road Development programme can be satisfactorily executed, with due regard to the factors of economy, time and efficiency, by the Public Works Department and contractors at present available, and if not, how does he propose that the necessary organisation or organisations should be brought into being and fostered and what steps will be taken to that end?

(*d*) Has the subject of cheap earth feeder road construction by grader machinery received Government's due attention?

(*e*) Is the Hon'ble Minister aware that a mile of railway costs about three times as much to make and maintain as an equivalent roadway and has the question of road *versus* rail development received the serious attention of this Province's Communications Board?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) The expenditure sanctioned by the Government of India is for construction not maintenance. The question of maintenance after construction remains to be taken into consideration.

(*b*) In matters of road construction Government rely on the advice of the Public Works Department whose officers are in touch with commercial and engineering developments, bearing on the problems in hand.

(*c*) The agency for construction is under consideration.

(*d*) The applicability of this method to conditions in Bengal is a technical matter which has not yet been examined.

(*e*) The Ministry have no information as to the cost of railway construction. The Road Board have considered roads in the light rather of feeders to railways than of competitors with them.

Muhammadans in the Bengal Tanning Institute.

165. Maulvi MUHAMMAD HOSSAIN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing for the period from 1925—

(*i*) the number of Muhammadan apprentices that have passed from the Bengal Tanning Institute;

(*ii*) the total number of appointments made from the passed candidates; and

(*iii*) the number of Muhammadans appointed from the passed candidates of Bengal?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*i*) Ten.

(*ii*) Nil.

(*iii*) The question does not arise.

Students sent to foreign countries by Government for industrial education.

166. Maulvi LATAFAT HUSSAIN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing during the last three years the number of students—

(*1*) Hindus, and

(*2*) Muslims

sent to foreign countries for industrial education at the expense of the Government and—

(*i*) the centre from which each such student was sent; and

(*ii*) the educational qualifications of each?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*1*), (*2*) (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 166.

Year.	Nationality.	No.	Centre from which sent.	Educational qualification.
1927-28 ..	Hindu ..	2	One from Dacca and another from Hooghly.	One B. E. of the Calcutta University and the other I. Sc. of Benares Hindu University.
	Muslim ..	Nil		
1928-29 ..	Hindu ..	1	Calcutta ..	M. Sc. of the Calcutta University.
	Muslim ..	1	Calcutta ..	Mechanical and Electrical Engineering Diploma holder of Bengal Engineering College.
1929-30 ..	Hindu ..	1	Howrah ..	M. Sc. of the Calcutta University.
	Muslim ..	1	Dacca ..	M. A. of the Calcutta University.

Admission of Muhammadan students

167. Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state—

(*i*) what boarding or hostel arrangements at present exist in Calcutta for the benefit of Muhammadan students studying in the Medical College and the Campbell Medical School;

(*ii*) what fees have to be paid by the students residing in such boarding or hostel; and

(*iii*) what facilities, if any, exist for the help of Muhammadan students studying for medical degrees in Calcutta?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) A building with accommodation for 76 students is rented as a hostel for Muhammadan students of the Medical College. There are no hostel arrangements for students of either community at the Campbell School. Students make their own arrangements for board and lodging.

(*ii*) At the hostel attached to the Medical College the fees charged for accommodation are Rs. 8 on the upper floor and Rs. 6 on the ground floor; students at the Campbell Hospital pay according to arrangements made, the charge for board and lodging averaging it is said about Rs. 18 to Rs. 19 per month.

(*iii*) There are six Mohsin Fund scholarships awarded, two each in the 1st, 2nd and 4th year and tenable for two years at the Calcutta Medical College. Muhammadans are at present holding three Government scholarships at the Campbell Medical School. Stipends are also granted from the Mohsin Fund at both institutions to Muhammadan students in indigent circumstances according to funds available.

Recruitment to the Bengal Medical Service.

168. Mr. SYAMAPROSAD MOOKERJEE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to lay on the table a statement showing, year by year, since 1922—

(*i*) how many M.Bs. of the Calcutta University have been appointed to the Bengal Medical Service (Upper);

(*ii*) how many of the above M.Bs. were taken from the Calcutta Medical College;

(*iii*) how many from the Carmichael Medical College; and

(*iv*) how many candidates passed the Final M.B. examination from the Carmichael Medical College during the period?

(*b*) Is there any rule or circular which has prevented Government from recognising the claims of students passing from the Carmichael Medical College?

(*c*) Is it a fact that the Government of Bengal communicated with the Principal, Carmichael Medical College, in December, 1929, that Government would advertise for the vacancies in future and have the selections made by a competent Board?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the assurance contained in the above letter has been fulfilled?

(*e*) If it has not been fulfilled will the Hon'ble Minister be pleased to state the policy proposed to be adopted in future?

The Hon'ble Mr. KHWAJA NAZIMUDDIN:

(*a*) (*i*)	1926	...	6
	1927	...	10
	1928	...	6
	1929	...	7
	1930	...	3
			32
(*ii*)	1926	...	6
	1927	...	10
	1928	...	6
	1929	...	6
	1930	...	3
			31
(*iii*)	1929	...	1
(*iv*)	1922-23	...	21
	1923-24	...	72
	1924-25	...	66
	1925-26	...	67
	1926-27	...	93
	1927-28	...	69
	1928-29	...	93
			481

(*b*) No.

(*c*) No such communication has been traced in December, 1929. Mr. Drummond however, Secretary to the Local Self-Government Department, wrote demi-officially in this sense in 1928, when it was expected that the Provincial Service Recruitment Rules would shortly come into force.

(*d*) No, as the Provincial Service Recruitment Rules have only come into force this year.

(*e*) It is expected that appointments in future will ordinarily be made in accordance with the Provincial Service Recruitment Rules which provide for selection by a Selection Committee.

Jute sale and supply societies.

169. Mr. J. E. ORDISH: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the financial trading results of all jute sale and supply societies in Bengal for the past three financial years?

(*b*) Will the Hon'ble Minister be pleased to state whether the trading in jute on the same scale as in the past three years is contemplated by the co-operative societies in the present jute season?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) The member is referred to the statistics contained in the appendices to the Annual Reports of the Co-operative Department for the years 1927-28 and 1928-29, copies of which are placed on the library table. Figures for 1929-30 will be available when the report for that year is published.

(*b*) It is understood that the Boards of Directors of some, if not all, of these societies have not yet made arrangements to commence trading in the current jute season. The directors of these societies do not ordinarily communicate their decisions to Government.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether the Co-operative Department have made inquiries as to why these societies have not started business this year?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: We know the reasons, but it is undesirable to disclose them here now.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether Government have considered it necessary to make any inquiries at all?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: We did not make any special inquiry.

Central Co-operative Sale Supply Societies, Ltd.

170. Babu KHETTER MOHAN RAY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing—

(*i*) the present number of Central Co-operative Sale Supply Societies, Ltd., established at different centres in Bengal for purchase and sale of jute;

(*ii*) the authorised, subscribed and borrowed capital of each of these societies;

(*iii*) the profits and losses of each of these societies every year from the time of their establishment up to 1929;

(*iv*) the liabilities and assets of each of them; and

(*v*) the total amount of losses, if any, incurred by those societies?

(*b*) Is it a fact that these societies were carried on at a loss every year?

(*c*) If so, will the Hon'ble Minister be pleased to state why these societies were allowed to continue business after two years' working at a loss?

(*d*) Are these societies working at present?

(*e*) Will the Hon'ble Minister be pleased to state the causes which led to the failure of these societies?

(*f*) Will the Hon'ble Minister be pleased to state the name or names of the person or persons or company from whom these societies borrowed money for carrying on business?

(*g*) If the Provincial Co-operative Bank is the bank supplying loans to these societies, will the Hon'ble Minister be pleased to state what was the total amount lent by this bank to the said societies?

(*h*) is it a fact that the Village Co-operative Banks (with unlimited liability) were induced to purchase and they did purchase shares of these Central Co-operative Sale Supply Societies with their reserve funds?

(*i*) What was the total amount of money invested by the village banks in purchasing such shares?

(*j*) Will the Hon'ble Minister be pleased to state to what extent the Provincial Co-operative Bank and the Village Co-operative Banks will be affected by the failure of the said societies?

(*k*) Will the Hon'ble Minister be pleased to state whether the Government intend to take any steps to mitigate the consequences of the failure of the societies on the co-operative movement in Bengal?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) (*i*) to (*v*) The member is referred to the statistics contained in the appendix to the annual report of the Department for 1928-29, a copy of which is laid on the library table. Figures for the year 1929-30 will be available when the annual report for that year is ready.

(*b*) Vide answer to (*a*) above.

(*c*) These societies are managed each by its own Board of Directors, and it is for them to decide whether they should carry on the business or not.

(*d*) It is understood that the Boards of Directors of most, if not all, of these societies have not yet been able to commence trading in the current season.

(*e*) Government are not prepared to express any opinion on the present position of these societies or the reasons which have led thereto.

(*f*) and (*g*) Government have no detailed information and are not in any event prepared to publish such information.

(*h*) It is understood that certain Village Co-operative Societies made investments in co-operative sale societies, but Government have no detailed information.

(*i*) Vide answer to (*h*) above.

(*j*) Government are not in a position to give an answer to this question.

(*k*) Does not arise.

Babu KHETTER MOHAN RAY: Will the Hon'ble Minister be pleased to state whether the Central Co-operative Sale Supply Societies were carried on at a loss of more than Rs. 30 lakhs?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I would like to have notice.

Scholarships to prosecute studies in a recognised Agricultural College.

171. Mr. SHANTI SHEKHARESWAR ROY: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether any scholarship is granted by the Local Government to a student from Bengal who wants to prosecute his studies in a recognised agricultural college in India?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the number, and

(*ii*) amount

of such scholarships?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) It is not the present practice to grant such scholarships.

(*b*) (*i*) and (*ii*) The question does not arise.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Minister be pleased to state what is the present practice of the Government in connection with the encouragement of higher education in agriculture?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: At present we have no provision for the encouragement of higher education in agriculture.

Maktabs.

172. Maulvi MUHAMMAD SAADATULLAH: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing at present, district by district,—

(*i*) the present number of maktabs;

(*ii*) how many of them are aided;

(*iii*) how many of them are unaided;

(*iv*) the total grant given to the aided maktabs; and

(*v*) the reason why no grant is being given to the other maktabs?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) to (*iv*) A statement giving the information is laid on the table.

(*v*) For paucity of funds and because some fail to qualify.

Statement referred to in the reply to clauses (i) to (iv) of unstarred question No. 172.

Name of district.	Number of maktabs on 31st March, 1930.	Number aided.	Number unaided.	Grant given by the department during 1929-30.
				Rs.
1. Burdwan	438	352	86	13,655
2. Birbhum	304	247	57	11,186
3. Bankura	55	52	3	2,114
4. Midnapore	415	350	65	15,494
5. Hooghly	264	219	45	8,868
6. Howrah	249	174	75	6,976
7. Calcutta	164	164	Nil	32,626
8. 24-Parganas	269	232	37	20,918
9. Nadia	624	497	127	28,252
10. Murshidabad	351	309	42	16,228
11. Jessore	804	631	173	40,074
12. Khulna	657	482	175	29,037
13. Dacca	1,237	1,038	199	45,656
14. Faridpur	1,830	1,454	376	36,761
15. Mymensingh	2,430	2,094	336	62,729
16. Bakarganj	3,782	3,135	647	90,391
17. Chittagong	2,376	2,088	288	69,790
18. Tippera	2,712	2,223	489	67,679
19. Noakhali	1,488	1,297	191	50,749
20. Rajshahi	657	599	58	17,816
21. Dinajpur	537	457	80	12,725
22. Jalpaiguri	157	134	23	7,399
23. Rangpur	693	580	113	22,800
24. Bogra	662	574	88	31,546
25. Pabna	778	657	121	22,800
26. Malda	214	192	22	8,414
27. Darjeeling	13	11	2	1,272

Agriculturists of the 24-Parganas.

172. Maulvi MUHAMMAD SAADATULLAH: (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware that agriculturists in the district of the 24-Parganas have been reduced to an extreme state of penury and distress owing to failure of crops and bad jute market?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government propose to bring out any scheme in the shape of agricultural loan, etc., to relieve the poor agriculturists from their present financial difficulties?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) No.

(*b*) The question does not arise; but should it become necessary, Government are prepared to make advances under the Agriculturists' Loans Act.

Subhankari Danra in Vishnupur.

174. Babu SATYA KINKAR SAHANA: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that Subhankari Danra is the only irrigation channel in the Vishnupur subdivision of the Bankura district; and

(*ii*) that the same is in a dying condition?

(*b*) Is the Hon'ble Member also aware that the Government have, till now, taken no steps for its revival?

(*c*) What steps, if any, do the Government contemplate taking to repair and maintain the said danra or channel?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) (*i*) The Subhankari Danra is the only important irrigation canal in the northern portion of the Vishnupur subdivision.

(*ii*) Yes.

(*b*) and (*c*) It is not correct to say that Government have taken no steps for its revival; a project for reviving the canals by connecting them with the Sali river and remodelling the canals is under preparation and is expected shortly. It is also proposed to build a reservoir higher up the valley to supplement the supply of water.

Disposal of sessions cases in Faridpur.

175. Rai Sahib AKSHOY KUMAR SEN: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing from January, 1929, to March, 1930, both inclusive,—

(*i*) the number of cases committed to the Sessions Court at Faridpur and Bakarganj, respectively;

(*ii*) the number of such cases on charges of culpable homicide in each of the abovementioned districts;

(*iii*) the number of criminal appeals filed in the Sessions Court at Faridpur; and

(*iv*) the longest period of time during which under-trial prisoners had to remain in jail before taking their trial at the Sessions Court at Faridpur?

The Hon'ble Mr. W. D. R. PRENTICE:

	Pending on 1-1-29.	Filed from January, 1929, to March, 1930.	Pending on 31-3-30.
(*i*) Faridpur	... 21	95	37
Bakarganj	... 64	210	25
(*ii*) Faridpur	... ...	62	...
Bakarganj	... ...	91	...
(*iii*) Faridpur	... 30	227	18

(*iv*) Faridpur—241 days.

Mr. NARENDRA KUMAR BASU: With reference to answer (*iv*) Faridpur—241 days, does not the Hon'ble Member think that 8 months' detention in jail pending trial is a scandal?

Mr. PRESIDENT: That is not a question seeking information.

Progress of Government Business.

The Hon'ble Mr. A. MARR: I wish to make a statement to the Council as regards the progress of Government business. His Excellency the Governor, under the powers vested in him by sub-section (*1*) of Standing Order 7 has been pleased to make the following arrangement of Government business for to-day and the remaining days of the Session which are to be devoted to Government business:—

The Bengal (Rural) Primary Education Bill will be taken up to-day on the conclusion of the Bengal Criminal Law Amendment Bill, 1930, if that Bill is concluded before the usual hour for the adjournment of the Council.

Thereafter the Bengal (Rural) Primary Education Bill will be the item of Government business at each meeting until the conclusion of the Bill and the session.

Mr. PRESIDENT: So far as I am concerned, the programme is all right. It must, however, be admitted and remembered that the power to adjourn the meeting rests with the Chair. I should be able to tell the Hon'ble the Leader of the House after the Criminal Law (Amendment) Bill is actually disposed of if it would be possible for me to take up the Education Bill to-day.

The Hon'ble Mr. A. MARR: I fully agree that that is within the discretion of the Chair, but I presume that after the adjournment to-day the House will be adjourned till Monday.

Mr. PRESIDENT: Yes.

3-45 p.m.

GOVERNMENT BILL.

The Bengal Criminal Law Amendment Bill, 1930.

[The discussion on clause 2 of the above Bill was then resumed.]

Rai Bahadur Dr. HARIDHAN DUTT: Mr. President, Sir, I beg to move that in clause 2 (*1*), line 14, after the word "offences" the words "and which has been declared unlawful for the purposes of this section by a previous publication in the *Calcutta Gazette*" be inserted.

Sir, if the members will kindly refer to the draft Bill and direct their attention to clause 2, they will find that in the 12th line there is a mention of the word "association," and it has been laid down that if the Local Government is satisfied that any person, who is suspected of having committed any of the offences mentioned in the three sub-clauses to clause 2 (*1*), is a member of any association the objects or methods of which include the commission of those offences, then he shall be dealt with under this Bengal Criminal Law Amendment Bill. Sir, what some of us feel is that circumstances justifying this extraordinary measure should be minimized and people protected from becoming subject of cases arising in connection with the enforcement of the Bengal Criminal Law Amendment Bill. The Hon'ble Member in charge of the Bill, when he moved for its introduction, was heard to say that nothing was more repugnant to him than the idea of governing Bengal by means of ordinances, and that class of legislations to which the Bengal Criminal Law Amendment Bill belonged. If that be really so—that it has been found to be repugnant———

The Hon'ble Mr. W. D. R. PRENTICE: On a point of personal explanation, Sir. I think the words I used were "repugnant to many members of this Council."

Rai Bahadur Dr. HARIDHAN DUTT: Accepting that, I presume that our esteemed friend the Hon'ble Member is one of those members. Naturally he ought to feel repugnance at the fact that it is necessary to have recourse to such lawless laws as that Bill has been called by some lawyers. Ordinarily if a man is suspected of doing things,

mentioned in 2 (*f*) (*i*) (*ii*) (*iii*) he will be treated under the Indian Penal Code, but if that suspect happens to be a member of an association, he will be placed under this Bengal Criminal Law Amendment Act. The result of that will be—I should be corrected if I am wrong—that, instead of undergoing trial and getting the help of his lawyers or other persons in a court of justice he will have to submit to detention for an indefinite period, and if his case is placed before some judges, they will sit *in camera* and the accused will not get the assistance of lawyers nor have any chance to cross-examine the witnesses. So there is a good deal of difference between the treatment meted out to ordinary persons suspected of offences under the Indian Penal Code and persons suspected of being members of unlawful associations, and therefore brought to trial under this measure. That is why, Sir, I respectfully point out to those concerned that it would be desirable to reduce the rigorous of this Bill by laying down that such associations must be definitely made known to all. People, at the present moment especially, find around them all sorts of associations. These associations have their labels and objects laid down, but even then it may be possible that some have secret objects. What are we to do in such cases? The ostensible objects of some associations may tempt us to do what is possible to help them, not knowing at all that they have sinister objects or anarchical ideals. When a suspect is brought to trial under this Act, and there are reasonable grounds for Government to believe that he has acted in a certain manner or has committed any of the offences contemplated in sub-clauses (*i*), (*ii*) and (*iii*) of clause 2 (*f*), then the question of his membership of an illegal association would be rather an important thing. But it may be quite possible that that suspect joined the association without knowing that it had illegal objects. That is why I am proposing that the few words that I have drafted should be added to the clause. If my proposal is accepted, as soon as an association is found to be doing illegal or unlawful act it should be declared to be an unlawful association by a notification in the *Calcutta Gazette*. People will at once know that membership of that association is illegal and unlawful, and that it should be shunned. It is very undesirable to bring a person to trial under this measure simply because he is a member of an association, whose inner activities may not have been known to him. Then, Sir, I would point out that, if my proposal is accepted, and once an association is declared illegal, the result would be that such association would break up. It should be the endeavour of Government to drive away such illegal associations, and this object will be achieved by declaring them as such. If this is done, members who might still be sticking to the association and taking interest in it, would soon sever their connection. Above all, innocent persons, who might unconsciously be tempted to go into its fold, would be protected.

So Government ought to take immediate steps to protect innocent people from the harmful activities of illegal associations. It may be argued that, if the suspect is to be punished after the association is declared illegal, valuable time will be wasted. I suggest that it is quite possible to issue such a declaration in an extraordinary issue of the *Gazette*, with which we are very familiar nowadays, as not a day passes without our getting a copy of the *Extraordinary Gazette* containing notices of extension of the provisions of various ordinances to different parts of the province and other matters. In case of great urgency, a suspect may well be taken in hand under section 54 of the Criminal Procedure Code. Then, as soon as the association is declared illegal, he can be brought within the purview of this measure. I do not think that the time necessary in declaring the association illegal would stand in the way of Government taking swift steps. These are my reasons why I suggest that, to reduce the rigours of this Bill, the words suggested by me should be inserted.

Mr. SHANTI SHEKHARESWAR ROY: Sir, I shall not appeal to the sense of justice of the Hon'ble Member in charge of the Bill. I am afraid, under the stress of circumstance, it has become dulled, at any rate for the time being. I shall appeal to his self-interest. He has stated on more than one occasion that this Bill is not intended for people who are carrying on constitutional agitation in the open. Well, Sir, we know how Government is fighting the present movement of civil disobedience which is certainly not a secret movement. Even the greatest admirer of the British Government cannot honestly say that the Government is carrying on a clean fight. For the civil register—for the man who has the courage of his conviction and who is prepared to suffer for his conviction—the Government has the Indian constable's lathi and the white sergeant's kicks. The order has gone forth that the movement must be suppressed by any means and any means does not necessarily mean that only lawful means are to be employed. We have raised our voice against the acts of oppression by individual officers here and there, but perhaps we have done them an injustice. They are simply carrying out the policy of the Government. This measure before us evidently is another phase of the same policy.

Mr. PRESIDENT: Please speak on the amendment.

Mr. SHANTI SHEKHARESWAR ROY: My difficulty is that I have to oppose every clause of the Bill. The measure did not touch in the past a large number of people and it is not likely to touch many in the future. The existing laws of the land are quite enough to bring to book all offenders.

Mr. PRESIDENT: Please come to the amendment.

Mr. SHANTI SHEKHARESWAR ROY: Yes, Sir. This Bill, as I understand it, is in the nature of a preventive measure. It is intended to strike terror into the minds of persons who may be inclined to work for the good of the country. It will be directed to crush all the noble spirits in the land—men like Subash Chandra Bose, Satyendra Chandra Mitra and a host of other patriots. That is why we have these all-embracing provisions in the Bill. The more one ponders over the provisions of the Bill the more one becomes conscious that British statesmanship is on the verge of bankruptcy. Sir, the "lathi" and the "kick" has not been able to suppress the civil disobedience movement—the movement has been gathering strength from day to day as a result of that policy.

Mr. PRESIDENT: Order, Order, I am afraid you are persisting in irrelevance. I cannot allow you to break away from the limits of the amendment before the House.

4 p.m.

Mr. SHANTI SHEKHARESWAR ROY: I am coming to it, Sir.

Nor this measure is likely to suppress terrorist movement. We all want to get rid of the terrorists.

Mr. PRESIDENT: That is a very general expression.

Mr. SHANTI SHEKHARESWAR ROY: I want to point out to the House that we should not have a clause of such an all-embracing nature and in a general way I am submitting my views to the House.

The Hon'ble Mr. W. D. R. PRENTICE: On a point of order, Sir. We have heard so many general views that it would be better if the member would confine himself to the motion before the House.

Mr. PRESIDENT: My grip is tight enough but the grip of Mr. Roy's set-speech on him is tighter. I must once again point out to him that the question before the House is whether the words that have been proposed by the mover should or should not be inserted in the clause. The relevant point is what would be the effect or consequence if these words are inserted in the clause, and what, if they are not inserted.

Mr. SHANTI SHEKHARESWAR ROY: If that be the ruling of the Chair, I think I should resume my seat.

The Hon'ble Mr. W. S. R. PRENTICE: I think the mover of the amendment has completely misunderstood the situation. There is no question of an innocent person being wrongly dealt with under the Act because of the want of a notification in the *Gazette* declaring an association as illegal. I pointed out yesterday that there are two conditions which are essential before any action is taken. The first is that there must be reasonable grounds for believing that a person has acted under (*i*), (*ii*) or (*iii*), and secondly, that Government should be satisfied that he is a member, etc., of an association whose objects, etc., are as specified in clause 2 (*1*). If he is an innocent person, he does not come under (*i*), (*ii*) or (*iii*), and the Rai Bahadur may be perfectly certain that an association whose objects and methods are legal cannot possibly come within the purview of clause 2 (*1*) of this Bill. He also urged that the issue of a notification would cause such illegal associations to cease to exist, but I am afraid that experience has shown that that is not the case in Bengal. There is the Act of 1908, the Indian Criminal Law (Amendment) Act which enables one to declare associations unlawful. In every case so far as I know such notifications have failed to kill the associations. The associations have not ceased to exist, they have only gone under ground and become secret associations. Then again most of these associations are not bodies which can be notified in a *Gazette*. They are not constitutional bodies with rules and registers to which one can refer. They are illicit and unlawful associations, which keep their existence and membership and doings as secret as possible. So far as I know, several of the associations that are most dangerous have no recognised names but centre round an individual leader whose identity is concealed as far as possible. It is absolutely impossible for Government to notify in the *Gazette* that the people who are so associated constitute an unlawful association and even if details about associations were published in the *Gazette*, I doubt very much whether any one would ever read them. For how many persons read the *Gazette*?

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

Mr. NARENDRA KUMAR BASU: I beg to move that clause 2 (*1*) (*c*) be omitted.

Sir, I have great hopes that before I have finished making my remarks with regard to this amendment, I shall be able to persuade the Hon'ble Member-in-charge that there is a great deal of justification for this amendment. As we all know the penal law ought to be made as definite as possible. When I speak of a law being definite, I need not probably confine myself to the provisions of a penal law, and when we are concerned with a piece of legislation such as the present one, we must try and make it as little vague as possible, so that people

may know where they stand for the purposes of this particular law. As has been said by a great jurist it is more important that a rule of law should be definite, certain, known and permanent than that it should be ideally just, and if the rule of law is not just and left to the discretion of the people administering it, there is a great deal of difficulty in the administration, and there is a great risk of the administration of the law being faulty. Even where a particular provision of the law is to be administered by a Magistrate in open court with the assistance of lawyers and subject to revision by the higher courts in the province, we have instances where the vagueness of the law has given rise to curious blunders. As far as my knowledge goes, the only provision in the present criminal law of the country which may be compared in point of vagueness with the present law is the provision under section 144 of the Criminal Procedure Code, under which a District Magistrate, a Chief Presidency Magistrate, Subdivisional Magistrate, or any other Magistrate, specially empowered by the Local Government, may, by a written order, direct any person to abstain from a certain act or to take certain order with certain property in his possession or under his management. It will appear from a comparison of the two clauses that section 144 is really much less vague than the clause in this Bill. It is perfectly well known to lawyers that even under section 144, Magistrates acting in courts with the aid of lawyers have passed such curious orders as prohibiting landlords from collecting rents or directing a man not to cut down certain trees. These are in the law reports and are open for inspection, and these orders had to be corrected by the High Court. If powers like these are left not to courts but to officers, as the Hon'ble Member said, to Magistrates who do magisterial work in the mufussal and have got to do this work without the assistance of lawyers and not being subject to any correction, I am afraid such mistakes are much more likely to happen. Then, so far as the Magistrates are concerned, I may say that the ideas of Magistrates in Bengal, specially in these days of panic and civil disobedience, are very peculiar. Only the other day a District Magistrate wrote to the High Court to say that a particular man might be released from bail if he abstained from all political activities. The Judges asked me what the District Magistrate meant by this. I said I did not know. In these days, Sir, the mere existence of an educated man in Bengal is a sort of political activity. Of course, the High Court Judges passed the proper orders in the case. As no order under this clause will be subject to revision by the High Court, it is not unlikely that ridiculous orders may be passed, and I, therefore, submit that the law ought to be made as definite as possible. I will not tire the patience of the House or of the Hon'ble Member-in-charge with a dissertation on jurisprudence, but I shall say this that the law serves to protect the administration of justice from the errors

of individual judgment. The establishment of the law is the substitution of the opinion and conscience of the community at large for those of the individuals to whom judicial functions are entrusted. Therefore, the dictum applies also in this case, and even in civil law which is passed by the houses of legislature and administered by courts, it has been said that the law is not always wise, but on the whole and in the long run it is wiser than those who administer it. But where you have the law as absolutely vague and devoid of any shade of wisdom as in this clause, I am afraid the law would certainly not be wiser than any body who administers it. I think if the Hon'ble Member will be pleased to read the clause once again, he will find that under this clause any person against whom a certain charge has been brought according to the information of the police, which may be in the possession of the Hon'ble Member, such person may be ordered to conduct himself in such manner or to abstain from such acts as may be specified. Well, it is likely, it is conceivable, that an order may be passed on such a person not to sleep with his wife. Under the clause, as it stands, that would be permissible, and there is no provision anywhere in the Bill to see that that sort of silly order be set aside.

I therefore say that when he makes a prohibitory law—a law which interferes with the liberty of the people, he should see that it is made as clear as possible—it is no use making laws which will make you the laughing-stock of anybody who reads it.

[At 4-15 p.m. the Council was adjourned for prayers and it reassembled at 4-30 p.m.]

Dr. NARESH CHANDRA SEN GUPTA: Sir, my friend, the hon'ble mover of this amendment, is a hardened lawyer and is naturally endowed with a very stout heart. He expects that he will carry conviction with the Hon'ble Member in charge of the Bill. Well, I wish him good luck; but it seems to me that he will be met with any number of objections. For instance, he has asked for the deletion of the clause and has not supplied an amendment which will give Government powers with greater limitations; because if he had given notice of such an amendment, then Government would have been able to find out whether the amendment was at all adequate or not. There it is: he has not given an alternative amendment; and, besides, he forgets the great thing that it is all to be done by Government. The Hon'ble Member in charge of the Bill will pass every order that would be passed under this law and it is therefore to be expected that all these orders will be endowed with the height of wisdom. In this particular case, at any rate, the law can afford to be less wise than the person who administers it. He seems to have an idea that there are things in respect of which the public authorities ought not to have the power, under this law, to regulate the conduct of a person against whom

action is taken under this Act. He has given us some idea of the sort of orders that ought not to be passed. At any rate, a man, who is ordered to be detained or placed in domicile, is taken charge of by Government more or less for the purpose of changing his mind, because his mind is affected by subtle influences. There are people who will tell you that detention has a great influence on the mind. Therefore there is no reason why the Government should not dictate what food that person should take—should abstain from meat food, for instance, as that would be very good to change his mentality and to promote *Ahimsa* in him: so also in respect of most of the relations of life, about which he has made some hints which may have subtle connection with the mentality of a person who tends towards criminality. That should be reason enough why Government should have power to regulate everything. I am afraid, my hon'ble friend, the mover, is labouring under a great misapprehension, as he forgets that the sole end and object of this Bill is to give omnipotence to the Government, so far as is humanly possible, and therefore this amendment is entirely out of place.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I do not claim all the wisdom with which the last speaker would associate me, but I would suggest that the last two speakers have not realised what the acceptance of this amendment would mean. Under section 2 (*1*), you can either keep a man in jail or keep him in domicile in a certain place, or release him from jail or domicile on condition either that he should abstain from certain acts or that he should report himself to the police or that he should notify his residence and also any change of residence. One effect of accepting this amendment will be to make the law harsher than it at present is, because you remove one of the alternatives to domicile and jail. But, apart from that, we do realise that is our duty to make things as definite as possible. We realise also that all that we are concerned with are acts which are dangerous to the State. No one would be happier than Government if these people would go and live peacefully in their homes and give up all revolutionary activities and devote themselves to their wives, as Mr. Basu has said: that would, indeed, be an excellent change from what they are doing at present. We, therefore, do try to specify exactly the conditions on which we are prepared to release them under section 2 (*1*) (*c*) and what we require from them is the following:—

(1) that they shall have nothing to do with any person or association of persons whose objects or methods include the use of violence or terrorism of any kind;

(2) that they shall not directly or indirectly encourage any form of terrorism;

(3) that they shall take no part directly or indirectly in anything that is an offence under the Indian Arms Act, 1878, or the Explosive Substances Act, 1908; and

(4) that they shall give information to the Superintendent of Police of the district in which they are residing or to the Deputy Commissioner of Police, Special Branch, if they are residing in Calcutta, of any attempt by any one to induce them to do any of these things.

Sir, I submit that such an order is perfectly definite and clear, carrying out the whole intention of the section and that the ground for the amendment, Sir, the alleged indefiniteness of clause 2 (*1*) (*c*) has no substance. I must, therefore, oppose the amendment.

Mr. NARENDRA KUMAR BASU: I understand that the order referred to says that these persons should abstain from doing certain things. I think that these things might well be specified in the Act itself.

Babu KHETTER MOHAN RAY: Sir, the clause, as it stands, is vague and most dangerous in the whole of the Act, as it says that he shall conduct himself in such a manner and abstain himself from such acts as may be specified. But these acts are not specified in the Act. So this clause resolves itself into two parts: (*i*) acts of commission and (*ii*) acts of omission. He must abstain himself from doing certain acts. He must do some things according to the orders directed by the special officers who are empowered in this behalf. Now, Sir, these acts are only pledges given for certain movements and some of them may be legitimate movements. So a person's movements, however legitimate they may be, will be governed by clause 2 (*1*) (*c*) and this clause should not find a place in this Bill. If it is desirable that if the conduct of a certain person should be restricted in a certain manner, it should be specified in the Act, and it should not be left to the discretion of a particular individual, at whose discretion or sweet will any particular person would be directed to act or to abstain himself from doing certain acts. Suppose in any case there may be an order passed to such an effect that he should not see his children or his wife within a certain time. That also is covered by this Bill or he may be asked to go to a certain place to say his prayer; by this clause such acts are also covered by clause 2 (*1*) (*c*) of this Bill. As it would be a very dangerous provision, I submit it should be deleted from the Bill.

With these few words, I beg to support this motion.

The motion that clause 2 (*1*) (*c*) be omitted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Harendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Mittra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Peddar, Seth Hunuman Prasad.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Haseni.
Ray, Babu Satyendra Nath.
Ray, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Ray Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Afimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haidar.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Dash, Mr. A. J.
Esson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur.
Huq, Khan Sahib Maulvi Sazlul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lal Muhammed, Haji.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 27 and the Noes 64 the motion was lost.

4-45 p.m.

Mr. PRESIDENT: I have to inform Mr. Satish Chandra Ray Chowdhury that we have not heard anything from the Government of India as to whether the sanction of the Governor General has been obtained with regard to his amendment. I take it that he does not move it.

I have also to inform Dr. Naresh Chandra Sen Gupta that the sanction of the Governor General has not been similarly received to his motion, and as he is not in the House I take it that he does not intend to move his motion.

The following motions were therefore not moved:—

Babu SATISH CHANDRA RAY CHOWDHURY to move that in clause 2, after sub-clause (*1*) (*f*) the following words shall be added as in a separate paragraph, namely:—

"after giving him a statement of facts on which action is about to be taken against him and after hearing his own explanation thereof tendered in writing or reduced to writing.

Dr. NARESH CHANDRA SEN GUPTA to move that before the proviso to clause 2 (*1*) the following shall be inserted, namely:—

"Provided that any person against whom any order specified in this sub-section has been made shall, immediately after the order has been made against him, be supplied with a statement showing the definite acts alleged to have been done by him or definite words alleged to have been uttered by him on the basis of which the order has been passed against him and such person may, if he so desires, show cause against the making of such order and give such explanation as he thinks fit about the facts alleged against him; where cause is shown by such person his case shall forthwith be referred to a Tribunal constituted under section 9."

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that in the proviso to clause 2 (*1*), in line 2, for the words "at the end of one year" the words "at the end of three months" be substituted, and in line 3, for the word "unless" the word "only" be substituted and in lines 3 and 4 the words "upon such review the Local Government directs its continuance" be omitted.

Sir, in my motion I propose to substitute three months in place of one year because, if the review is to be an honest review of the case it should come as soon after the man's liberty is restrained as possible.

To review the whole thing after one year and then to correct any mistakes which may have been made, is practically a denial of justice or mercy, because, if any consideration is to be shown to the man because his case does not come up to the standard which is required in order to bring him within the purview of this law, it becomes altogether meaningless to keep him under restraint for one year and then to review the order and to say "here is a mistake which we now, in our goodness, are disposed to correct." Therefore, I submit that the earliest possible time should be taken to review the order. The procedure laid down in the Bill is that after a man is arrested, the order should be reviewed within one month of the arrest by the tribunal, but curiously enough, the report of the tribunal the Government is not bound to accept! It only says that Government will take into consideration the report of the tribunal composed of two judges but there is no binding force on the Government to accept the report. So, Sir, we can well understand the value of that report, even conceding that the tribunal will be in a position in the absence of the accused or his pleaders, to come to a right decision. Assuming for argument's sake that the Judges will differ from the Hon'ble Member-in-charge, we do not see what obligation there is on the part of Government to accept the finding arrived at by the tribunal after mature deliberation and full consideration of the one-sided papers submitted to them by the police officers and members of the Investigation Department. The tribunal reports but that report Government is not bound to accept. That is the position of the accused under the safeguard provided. I submit that under these circumstances it being practically a case that the man is at the mercy of the police officer who has reported against him and then of the Member-in-charge, the Member-in-charge should take the earliest opportunity of reviewing the whole thing. I submit, Sir, that considering the serious nature of the thing—restraint of the liberty of a citizen—it is in the fitness of things that that order should be reviewed as early as possible. That is why I have put down three months instead of one year.

The other portion of my amendment is that the Bill says "provided that such orders shall be reviewed by the local Government at the end of one year from date of making of the order and shall not remain in force for more than one year unless upon such review the local Government directs its continuance." My amendment is that under no circumstances should that order remain in force for more than one year if, within that one year, Government, after a review of the case, thinks that the offence is so serious and so fraught with danger for the future, that the man cannot be let off then it would be up to the Government Member—if he really wants to create an impression in the country that he does not like to run down the man for nothing and

that Government is not afraid to face judgment of competent authorities by bringing the offender to trial by the ordinary courts of justice, then it would be up to them to bring the man before an ordinary court of justice for regular trial. But to keep the man under detention for any greater length of time on reports and excuses like these, is practically not only a negation of justice but I should say a denial of the most elementary rights of a citizen. That is as much as to say that the reign of law has ceased in the country and it is the arbitrary conduct of police officers which are doing duty instead. I think therefore that the whole period for which a man's liberty can be restrained should be fixed at the maximum of one year. If, afterwards, it transpires that the man cannot be let off we must presume that there is sufficient reason why the man should be brought under trial in an ordinary court of justice and there is no excuse for not doing so and keeping him under restraint. For these reasons I submit, Sir, my amendment should be accepted.

Mr. NARENDRA KUMAR BASU: I rise to support the amendment and my reasons are as follows: It has been stated that the object of this Bill is to bring suspects to trial because judicial trials have been interfered with in the past and Government are apprehensive that if all these cases are brought to trial witnesses and jurors may be injured or killed. Apart from the fact that no evidence has been brought before this House of any juror in a case of this description having ever been injured or hurt in any trial and apart from the fact that there is no evidence of any appreciable number of witnesses having been injured after a political trial—apart from these facts I say that we cannot ask this House to give the Government authority to indefinitely detain persons without bringing them to trial. If within the maximum period of one year, as is stated by this amendment, Government is not in a position to formulate any charges against the man in any court of law and is still apprehensive that with the machinery at its command it cannot even after a year bring about a safe trial of such a person, I submit that that may be a reason to assert that Government is incompetent, but there is absolutely no reason why a person's liberty should be indefinitely interfered with. One year's detention without trial on an executive fiat is bad enough without the addition of this. This Bill is the outcome of the Chittagong occurrence. If all these Chittagong suspects had been in jail for one year—if they were really responsible for the offence—if they had been in jail for over a year—I am quite sure they would not have been allowed to commit the outrages which they are alleged to have committed. As I began by saying, Sir, if one year's detention in jail without warrant is not sufficient to protect society under the present system of Government, that does not speak very highly of the much vaunted law and order.

6 p

There is no reason given, either in the Statement of Objects and Reasons of this Bill or in the speech of the Hon'ble Member in introducing the Bill as to why a longer detention than that of a year is necessary. I, therefore, think that this amendment of Babu Satish Chandra Ray Chowdhury is an eminently reasonable one and ought to be accepted by the House.

The Hon'ble Mr. W. D. R. PRENTICE: The amendment falls into two parts; the second part would limit the efficacy of the order under this Bill to one year and the first part would require the local Government to review each order every three months. I think there has been a misunderstanding on the part of the mover of the amendment as to the object of the review. The object of the review is not to correct any mistake that may have been made; it is to consider the whole situation, to see whether the necessity for detaining these persons under this Bill continues and though a year is specified in the Act as the maximum time, as a matter of fact the cases of many of the detenus come up for frequent consideration for all sorts of reasons and there is practically no case that is not dealt with more than once within a year. It is the aim of the Government to hold under restraint as few people as possible under this Bill and whenever conditions render it possible their first effort is to get rid of the detenus or to modify the form of the detention order and although, as I have said, a year is the limit or the maximum period during which a case must be reviewed, as a matter of fact cases come up very much more frequently. There is no need therefore for the first part of the amendment.

The second part of the amendment that would limit the efficacy of the order to one year only cannot be accepted. I am afraid the history of the revolutionary movement in Bengal shows that the danger to and from certain individuals has gone on for a very much longer period than one year. So if during the course of a year Government, having regard to the facts within their knowledge, are unable to review the order passed on a particular person, they would not be doing or discharging their duty to the public if in the face of these facts they were to consent to release him from control or let him off at the end of the year.

Mr. Basu and the mover have said that if after a year we cannot put him up before a court, we ought to release him. Surely, they have misunderstood the whole object of the Bill. This Bill is to deal with cases such as were related in detail in the Rowlatt Committee's Report where the members of the committee were perfectly satisfied about the guilt of certain persons connected with terrorist organisations though they recognised that the legal evidence that could be put before the

courts was not convincing. In such cases there cannot be trials, there can only be preventive detention. It is not only cases in which jurors are intimidated that fall under the Act, there are many other cases that come within its purview, and it would be impossible if either of these amendments were accepted to work the Act satisfactorily.

The motion of Babu Satish Chandra Ray Chowdhury was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Dr. Jogendra Chandra.
Dutt, Rai Bahadur Dr. Haridhan.
Faziullah, Maulvi Muhammad
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Seth Hunuman Prasad.
Pey, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemni.
Ray, Babu Satyendra Nath.
Ray, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Ray Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. B.
Dain, Mr. G. R.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Mucharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Fazlul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. S.
Lal Muhammad, Haji.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Mitter, the Hon'ble Sir Pravash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. S.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. E.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 25 and the Noes 63 the motion was lost.

Babu SATYENDRA NATH ROY: I move that in the proviso to clause 2 (*1*), line 2, for the words "one year" the words "six months" be substituted.

Sir, we had rather a long debate on the question whether the period should not be reduced from one year to three months in the amendment which has just been lost. My object is to reduce the period from one year to six months and not three months. We have heard the arguments advanced by the Hon'ble Member that even sometimes a year is not sufficient. I do not understand the machinery of Government and why an order cannot be reviewed, if necessary, within six months, if three months is regarded as too short a period. I, therefore, press upon the Government the desirability of amending the words from "one year" to "six months." I commend this amendment to the House for acceptance.

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid for the reasons given in dealing with the original amendment, I cannot agree to reducing the period to six months. I have already pointed out that cases come up at present much more frequently than once a year.

Dr. NARESH CHANDRA SEN GUPTA: The reasons which the Hon'ble Member gave for the first part of the amendment, I cannot agree to accept. I should have thought that the reasons he has given for the other part would have assured us that ordinarily there would be no case that would not be reviewed by Government within a year. One year is the outside limit, but as a matter of fact, I take it, that Government does review within six months. If that is the position, there is no reason why Government should not accept the amendment for six months. There is one other reason which I might assign that this Bill is based on an Act which was passed long ago. Times have changed since then and our notion of Penology has also changed greatly, if we are to judge by current of events. We have seen in recent times numerous political prosecutions which have been the result of a widespread movement. Of course these are cases which are not touched by this Act, but nevertheless the accused are in any case persons who have committed offences in pursuance of a movement—a movement which is certainly a great deal widespread than any terrorist movement has ever yet been. When these persons are punished, one would expect that they should only be detained in jail for a period which would be sufficient for the wave of the movement to pass by; but what do we find in the standard of punishment which has apparently been fixed?

5-15 p.m.

Well, Sir, what do we find? We find that the standard of punishment which has been fixed is six months' imprisonment. If

that is the standard fixed by our present day penology, there is no reason why six months should not suffice for the detention of a person convicted of criminal conspiracy. That being so, there is no reason why the matter should not be reviewed at the end of six months.

Sir, there are two considerations which arise in this connection. First of all there is the general condition of the country; that is one of the things to be considered. And, secondly, we have to consider the case of the individual offender. So far as the general condition of things is concerned, it may very well change in the course of six months. As a matter of fact, movements of this kind do not have a much longer life than six months. In any case, there is always the possibility of the general atmosphere of the country changing in the course of six months. That is a very good reason why six months should be the limit after which a case may be reviewed.

Then, apart from that, apart from general conditions, the case of individual offenders should be taken into consideration. The conduct of an individual offender during his internment or during his stay in jail, and the information which Government will obtain in the mean time, will enable Government to judge things better—whether he should be kept further in detention. All these reasons combined constitute a strong ground for lowering the limit to six months.

Well, Sir, there is no particular magic either in one year or six months, but six months would be a shorter time, and we are out for seeing that the cases of these men are examined within as short a time as possible.

Dr. AMULYA RATAN GHOSE: Sir, in supporting the motion of Babu Satyendra Nath Roy, I should like to say a few words. The motion is for reducing the period, at the end of which a review of the order passed has got to be made by the local Government, from one year to six months. Sir, whenever the question of reviewing a case comes up, the review has to be made with regard to a trial which took place some time ago and the punishment meted out to the accused, and any error or omission that might have occurred at the time of trial is taken into consideration when the case comes under review. As has been stated by the Hon'ble Mr. Prentice, the conduct of the accused during the period of his detention is also taken into account. If the conduct, if the behaviour, of the accused during his detention appears satisfactory to the local Government or to the authorities concerned, the review will be in his favour; if it is otherwise, the review will go against him. Now, if the conduct of the detained persons appears to be satisfactory after, say, three months or four months or six months, why should he be detained any further. That

will be an act of injustice done to him. If it is found that the detention of a person, or the punishment meted out to him, has had its desired effect, say, within three or four months of the passing of orders in his case, then he ought to be entitled to a review of his case before the expiry of one year. So I submit that the amendment which has been placed before us by Mr. Roy is quite a reasonable one. One year's detention to review a case is too long a period. A man may come to his senses after a short period of detention, but if he is kept in detention for a long time, he will get accustomed and habituated to his lot and all chances of correcting or rectifying him will be gone. A misguided man is likely to feel the troubles and tribulations of detention within a short time: he is likely to feel the pangs of separation from his nearest and dearest relatives within a short time of his detention, but if he is detained for a long time, he will get habituated and will not care much for his near and dear ones, because, as the saying goes, "out of sight out of mind"—a man is apt to forget his relations if the latter remain out of his sight for a long time. He will become more desperate and hardened criminal and a confirmed enemy of the Government. Therefore, I submit that the amendment is quite a reasonable one. A man detained under this measure should be entitled to have his case reviewed by the local Government after six months, and if it is found on a review of his case that he can be let off, that course should be adopted.

The motion of Babu Satyendra Nath Roy was then put and lost.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that in clause 2 (2) (*a*), line 1, the words "without warrant" be omitted.

Mr. NARENDRA KUMAR BASU: Mr. President, Sir, I beg to move that in clause 2 (2) (*a*), line 3, after the words "police officer" the words "not below the rank of an officer in charge of a police-station" be inserted.

Sir, I find I have excited the visible faculties of the Hon'ble Member. I do plead guilty of tiring the patience of the Hon'ble Member who introduced the Bill, but I am sure he will give me credit for trying to do my duty by my constituency and my country. I am trying to soften the rigours of this extraordinary measure as far as possible. The reason for my moving the amendment is this: Even under the general criminal law of the land, excepting sections 54 and 55 of the Criminal Procedure Code, any police officer may not arrest any person without warrant. I shall read to the House for the information of the non-lawyer members the clauses of section 54 under

which any police officer may, without any order from a magistrate or without a warrant, arrest any person. They are as follows:—

"*First*, any person who has been concerned in any cognizable offence or against whom a reasonable complaint has been made or credible information has been received, or a reasonable suspicion exists of his having been so concerned;

Secondly, any person having in his possession, without lawful excuse, the burden of proving which excuse shall lie on such person, any implement of house-breaking;

Thirdly, any person who has been proclaimed as an offender either under this Code or by order of the local Government;

Fourthly, any person in whose possession anything is found which may reasonably be suspected to be stolen property and who may reasonably be suspected of having committed an offence with reference to such thing;

Fifthly, any person who obstructs a police officer while in the execution of his duty, or who has escaped, or attempts to escape, from lawful custody;

Sixthly, any person reasonably suspected of being a deserter from Her Majesty's Army or Navy or of belonging to Her Majesty's Indian Marine Service and being illegally absent from that service;

Seventhly, any person who has been concerned in, or against whom a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been concerned in, any act committed at any place out of British India, which, if committed in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India;

Eighthly, any released convict committing a breach of any rule made under section 565, sub-section (*3*);

Ninthly, any person for whose arrest a requisition has been received from another police officer, provided that the requisition specifies the person to be arrested and the offence or other cause for which the arrest is to be made and it appears therefrom that the person might lawfully be arrested without a warrant by the officer who issued the requisition."

It is only in those cases where the offence, where the crime, is apparent on the face of it that any police officer may arrest without warrant, but the law says that in those cases where the offence is not so apparent, no officer, unless he is in charge of a police-station, or an

officer superior in rank, can arrest a person. Sir, these are the cases, as mentioned in section 55, in which a person may be so arrested—

> "any person found taking precautions to conceal his presence within the limits of such station under circumstances which afford reason to believe that he is taking such precautions with a view to committing a cognizable offence; or
>
> any person within the limits of such station who has no ostensible means of subsistence, or who cannot give a satisfactory account of himself; or
>
> any person who is by repute an habitual robber, house-breaker, or thief, or an habitual receiver of stolen property knowing it to be stolen or who by repute habitually commits extortion or in order to the committing of extortion habitually puts or attempts to put persons in fear of injury."

If hon'ble members be pleased to compare these clauses with the provisions of the Bill—I mean clause 2 (*l*) and the First Schedule—they will find that the cases covered are mostly those which come under section 55, and not section 54, of the Criminal Procedure Code, and the general law of the land is, as I have said, that no police officer, unless he is in charge of a police-station or an officer of superior rank, is entitled to arrest any person without warrant or on suspicion of having committed such an offence.

I, therefore, submit to the members of the House with great confidence that they will not give to police officers, below the rank of an officer in charge of a police-station, powers under this extraordinary Bill, which powers these officers do not possess under the ordinary law of the land.

5-30 p.m.

The Hon'ble Mr. W. D. R. PRENTICE: As regards the reference to the Criminal Procedure Code made by Mr. Basu, I do not know why he referred to section 54 of the Code. For surely the order referred to in section 54 (3) is practically parallel to an order passed under clause 2 (*l*) of this Bill, and if arrest without warrant is justifiable in the former case, surely it is at least equally justifiable in the latter.

But from the practical point of view the amendment is unacceptable. Many of the persons we have to deal with are absconders and it is impossible to limit the power of arrest to the officer who may happen to be in possession of a warrant for any particular absconder.

The motion of Mr. Narendra Kumar Basu was then put and lost.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that in clause 2 (2) (a), lines 3 to 5, the words beginning with "or by any officer of Government....." and ending with the words "Local Government" be omitted.

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause 3.

The following motion was not moved as the previous sanction of the Governor General had not been received:—

Mr. NARENDRA KUMAR BASU to move that to clause 3 the following shall be added, namely:—

"Provided that section 71 of the Code of Criminal Procedure shall not apply."

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Clause 4.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that clause 4 shall be omitted.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 4 (1), line 1, after the word "Government" the words "not below the rank of an Assistant Commissioner of Police in Calcutta and of a Deputy Superintendent of Police outside Calcutta" be inserted and in line 2, after the word "arrest" the words "or cause to be arrested" be inserted.

Sir, on a reference to the draft Bill you will find that in section 4 (1) it has been laid down that any officer of Government authorised in this behalf by general or special order of the local Government may arrest a person. I presume that Government in authorising some of its officers must draw a line somewhere. Certainly, it would not be fair to suggest or for me to presume that Government will depute a constable with authority to arrest a person. I presume that the Government has to draw a line somewhere below which there would be no recruit of officers for the purpose of this section. What I am

suggesting in this amendment is nothing but to lay down where the line should be drawn. What is suggested in my amendment is that such a line should be drawn just below the officers of the rank of Assistant Commissioners of Police in Calcutta and Deputy Superintendents of Police outside Calcutta. In Calcutta we have the Commissioner of Police, Deputy Commissioners of Police, and Assistant Commissioners of Police and below them we have a host of inspectors and sub-inspectors of police. I suggest that this power which is extraordinary should not be given to the inspectors and sub-inspectors of police, but should be restricted to the Commissioner, Deputy Commissioners, and Assistant Commissioners of Police, and in the case of mufassal this power should be restricted to officers not below the rank of Deputy Superintendents of Police. I hope my proposal will be accepted.

The second part of my amendment is that after the word "arrest" the words "or cause to be arrested" should be inserted. The Hon'ble Member will find that it is laid down that any officer of Government authorised in this behalf by general or special order of the Local Government may arrest. It means that the officer so deputed will go and arrest. What I am suggesting is that if the selection be restricted to the Assistant Commissioner, then he may be entrusted with the power to depute some subordinate officers to arrest. I am not suggesting that the Commissioner, Deputy Commissioners, or Assistant Commissioners will themselves go and arrest a person. But in no case the power and authority to arrest should be given to any officer below the rank of an Assistant Commissioner of Police in Calcutta, who I understand ranks equally with the Deputy Superintendent of Police in the mufassal.

The Hon'ble Mr. W. D. R. PRENTICE: Government recognise that the exercise of this power must be limited, and the notification issued on the 19th April, 1930, limited the power to Magistrates of the first class and to police officers not below the rank of a sub-inspector.

Rai Bahadur Dr. HARIDHAN DUTT: May I inquire if Magistrates are entrusted with the duty of arresting persons?

The Hon'ble Mr. W. D. R. PRENTICE: They may. The effect of this amendment will be to entitle more people to arrest than is contemplated by Government, because under this amendment a Deputy Commissioner or an Assistant Commissioner of Police may ask a constable to go and arrest a person. You are widening in one direction and limiting in another, and not improving the Bill.

Again this amendment will affect the working of clause 4 (2), as under the principle of *delegatus delegare non potest* no one below the

rank of an Assistant Commissioner or a Deputy Superintendent will be able to conduct a search. From a practical point of view this is impossible.

I regret I cannot accept the amendment.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to support this motion. It is so reasonable, but our angle of vision differs completely from that of the Hon'ble Member. Though all our amendments are faring the same fate, still we cannot allow certain provisions of the Bill to go without a strong protest. We cannot but join our voice with the mover of this amendment. Clause 4 is somewhat different from clause 2. Here the words are "against whom a reasonable suspicion exists." Whether that suspicion is reasonable or not, that has got to be considered by an officer of Government authorised generally. Now if that officer of Government is to be in a position to exercise his discretion, which is required in such a case to find out if the suspicion is well founded or not, he must be an officer of superior rank. It requires a good deal of experience, education, and power of sifting evidence to come to a conclusion whether a suspicion is reasonable or not. I submit that any and every officer of Government is not in a position to exercise this discretion. Government appears to think that police officers are above errors. We mortals are all subject to errors, but they are not. Is it possible for any and every police officer really to come to a reasonable decision against a person as to whether he should be arrested or not? I find the mover of the amendment is very cautious. The amendment does not require that an Assistant Commissioner of Police or a Deputy Commissioner of Police should personally go to arrest a person, but that they can cause him to be arrested. I do not see how the intention of the law will be defeated if the Deputy Commissioner or the Assistant Commissioner of Police is entrusted with the power of determining whether a person should be arrested or not. Considering all the points, I think, the amendment is a very cautious and necessary one, and there is no reason whatsoever to oppose it, unless it be a *zid* on the part of Government that no amendment coming from the non-official benches should be accepted.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

Mr. NARENDRA KUMAR BASU: I beg to move that in clause 4 (*1*), line 1, after the word "Government" the words "not below the rank of a Deputy Superintendent of Police" be inserted.

I am moving this amendment even after the previous amendment has been negatived for the following reasons. Personally I do not agree

with the mover of the previous amendment regarding the insertion of the words "or cause to be arrested." That, as has been pointed out by the Hon'ble Member-in-charge, would needlessly enhance the powers of the officer in making arrests. So far as my amendment is concerned, my submission to the House is that if the members will be pleased to read the draft of clause 4 of the Bill, they will find that the powers given by this clause to "any officer" of Government are, in fact, very much greater than the powers which the Local Government itself has taken under the previous clauses of the Bill

5-45 p.m.

The Local Government may detain a person only in the circumstances detailed in clause 2 of the Bill. The circumstances under which any person authorised by Government under clause 4 may detain a person are, as will be seen, much less cogent and are subject to much less scrutiny. In fact any officer authorised by Government under this clause may arrest any person and detain him in custody for 15 days without any rhyme or reason excepting that in his mind there is a reasonable suspicion against that person! As the clause is drafted there is no review of such action and under clause 14 of the Bill a person so arrested has no remedy in any court of law. Under these circumstances, I submit, it is the bounden duty of this House to see that powers are not given to persons who are likely to misuse them. And therefore I am wanting to limit the power to—I am not sure about the dividing line—gazetted officers of Government not below the rank of a Deputy Superintendent of Police. In answer to a previous amendment the Hon'ble Member stated that if that amendment were accepted it would exclude all Magistrates.

Mr. PRESIDENT: Have you moved your next amendment as well? If not, you can do it now and make one speech.

Mr. NARENDRA KUMAR BASU: All right, Sir, I move also that in clause 4 (*1*), line 3, after the word "exist," the words "the grounds of which shall be recorded in writing" be inserted.

As I was submitting, Sir, the Hon'ble Member in his speech opposing the previous amendment stated that if it was inserted it would exclude officers below the rank of Deputy Superintendents of Police and might exclude all Magistrates. With all deference and humility to the Hon'ble Member in charge of the Police Department I say, Sir, that it would not have that effect. The words "Government officers not below the rank of a Deputy Superintendent of Police" would not exclude any Magistrate. I venture to give that opinion and

make a present of it gratis to Government. I am quite sure that the Hon'ble Member is mistaken when he thinks that the insertion of these words will exclude any Magistrate.

So far as my first amendment is concerned there is no reason why it should not be accepted.

As regards my second one I submit it stands on a still higher ground. Government when it proceeds against a person under clause 2 of the Bill, will, I presume, make some record of the reasons for so doing which they will place before a committee under clause 9 and which would form a basis of review by Government itself after the period of one year. But so far as clause 4 is concerned it appears that an officer who is authorised to make an arrest by general or special order need not make any record in writing. He need simply say that to his mind reasonable suspicion exists and thereupon he can clap a man into jail for 15 days pending the orders of the Local Government. If his reasons are not recorded in writing, on what is Government going to act with regard to the report under clause 3? The report as the clause now stands may be a report giving only the bare fact that "such and such a person has been arrested by me because I think reasonable grounds exist for this arrest." I submit, Sir, it should be made clear in the statute that reasons for such arrest should be recorded in writing and should be sent to the Local Government along with the report in clause 3. I, therefore, say that the House will be well advised to accept my amendments.

Dr. NARESH CHANDRA SEN GUPTA: I strongly support these amendments. I do not see any reason why Government should be nervous about the limitation of the power of arrest to certain officers. The limitation that has been suggested in these amendments is perfectly legitimate. The Hon'ble Mr. Prentice suggests that if amendments were carried it would introduce practical difficulties, having regard to the legal maxim that he has referred to that a police officer to whom power of arrest has been given cannot delegate his powers to others. But, Sir, I think that when a person is being dealt with or arrested under the provisions of this extraordinary piece of legislation he should at least have the right to expect that he should be given the honour of a visit by a gazetted officer of Government. It is certainly not the object of Government and cannot be the object of Government to give power to a police officer without holding him responsible for any misuse of that power. There must be certain practical rules upon which they proceed; they have not given these powers to any and every constable in actual practice; why then should they not place this limitation in the body of this statute which they have adopted in practice? Because I am afraid that Government throughout this measure have shown a great deal of *zid* more than is necessary.

With regard to the next amendment it is of the utmost importance in a case of this kind that if Government want that a person should be hauled up for arrest under the provisions of this extraordinary measure, that there should be a record of the reasons made there and then at the time of arrest. As has been pointed out by Mr. Basu there is no remedy against the action of the officer in question in any court of law. The only party that can redress any wrongful action of a police officer is Government, and Government must therefore have some materials upon which they can proceed to judge whether the police officer has made the arrest in a legitimate manner or otherwise. We know of cases in which a police officer—I am speaking of the personal experiences of a police officer—arrested a person because he simply wanted to arrest him and then began to think out reasons for the arrest. Well, Sir, the poor man is arrested by a policeman, not a police officer not below the rank of a Deputy Superintendent of Police, but by a mere sergeant. This sergeant arrests the person, sends him up with a constable to the police-station. On the way there is trouble. There are people who would not allow the man to be taken to the thana unless they know what is the offence he has committed, and things came to such a pass that there was further trouble and there was an altercation between the police and the crowd. For the purpose of frightening the men the sergeant arrests one of them and reports the matter to the District Magistrate and forthwith went to the police-station and lodged a complaint against the man under Act V of 1898. So we see, Sir, that a man may be arrested for no reasons whatsoever except the personal reasons of a police officer who may subsequently fabricate and think out reasons for the arrest. Government cannot possibly want all the police officers to be armed with this extraordinary power of arresting without having to account for it at all. If they had to account for their action Government must insist that there should be absolutely reliable materials upon which to judge whether the police officer in question has acted properly in the discharge of his duties or not. And that reliable material can only be furnished by the record made then and there at the time of arrest. The principle regulating the conduct of an officer in charge of a thana is that he should keep the record of a case from the time of first information onwards, because that would enable Government to check his action. Without a record of this character there is no other way of testing his act in any court of law. Under these circumstances it is a perfectly reasonable amendment and should be accepted.

The Hon'ble Mr. W. D. R. PRENTICE: If Government were to accept these amendments there would be administrative difficulties, because I am not quite certain what would happen in Calcutta, seeing that there are no Deputy Superintendents of Police for Calcutta.

Mr. NARENDRA KUMAR BASU: May I say that the words are "not below the rank of a Deputy Superintendent of Police." I presume there are Assistant Commissioners of Police for Calcutta and they are officers of the same rank as Deputy Superintendents of Police, Bengal.

The Hon'ble Mr. W. D. R. PRENTICE: They are in entirely different cadres. The difficulty about Bengal is that there are only about 28 Deputy Superintendents of Police and in certain districts there are no Deputy Superintendents at all, and therefore for those districts the only police persons who could be authorised to arrest would be the Superintendents of Police. The original amendment having been rejected, power could not be delegated and work might practically come to a standstill. Further, as I have already pointed out, under clause 4 (*2*) the power of search is confined to the person on whom has been conferred the power of arrest under clause 4 (*1*). It is not possible in Bengal to limit this power of search to these 28 officers alone plus members of the Imperial Police Service. That would be absolutely impracticable from an administrative point of view.

As regards the point raised by Dr. N. C. Sen Gupta about a record in writing, I may say that the officer making the arrest does not ordinarily know anything about the case. The cases in which orders of arrest are given are dealt with first in the Intelligence Branch by the gazetted officer in charge of that work, and an officer making an arrest is only carrying out orders and does not know the details of those cases in which suspicion has arisen. Such officers are simply carrying out orders and it is not possible for them to record in writing the grounds for the arrest or search.

The motion that in clause 4 (*1*), line 1, after the word "Government" the words "not below the rank of a Deputy Superintendent of Police" be inserted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Seth Hunuman Prosad.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Ray, Babu Satyendra Nath.
Ray, Mr. Bijay Prasad Singh.
Ray, Mr. Saileswar Singh.
Ray, Mr. Shanti Shekhareswar.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Afimuzzaman.
Chaudhuri, Maulvi Syed Osman Haidar.
Chowdhury, Haji Gadi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Suci Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haidar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lal Muhammed, Haji.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Sumner, Mr. C. R.
Twynam, Mr. H. J.

The Ayes being 22 and the Noes 62 the motion was lost.

6 p.m.

The motion that in clause 4 (7), line 3, after the word "exist" the words "the grounds of which shall be recorded in writing" be inserted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Butt, Rai Saheb Dr. Haridhan.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Rai Mahasai, Munindra Deb.
Ray, Babu Khetter Mohan.
Ray Chowdhury, Babu Satish Chandra.
Raut, Babu Hosen.
Ray, Babu Satyendra Nath.
Ray, Mr. Bijoy Prasad Singh.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, Mr. Shanti Shekhareswar.
Roy Choudhuri, Babu Nem Chandra.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

NOES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Bassen, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Sueil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hegg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur.
Huq, Khan Sahib Maulvi Fazlul.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Pravash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Twynam, Mr. H. J.

The Ayes being 22 and the Noes 57, the motion was lost.

Mr. PRESIDENT: I have no information as to whether sanction has been accorded to this amendment.

The following motion was, therefore, not moved:—

Rai Bahadur Dr. HARIDHAN DUTT to move that to clause 4 (2) the following be added, namely:—

"The officer making the search shall, before the search is made record in writing the grounds of his belief for making the search and specifying in such writing, so far as possible, the thing for which the search is to be made and shall also forthwith forward copies of record to the Local Government."

Mr. NARENDRA KUMAR BASU: Sir, this amendment is consequential on the amendment which has just been rejected. Therefore, I do not like to move my amendment.

The following amendment was, therefore, not moved:—

"That in clause 4 (3), line 2, after the words 'Local Government' the words 'together with the grounds recorded' be inserted."

The following motion was not put, as the previous sanction of the Governor General had not been received:—

Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 4 (3), line 2, after the word "and" the words " to the nearest Presidency Magistrate or Magistrate of the 1st class who" be inserted.

Dr. NARESN CHANDRA SEN CUPTA: I move that in the proviso, line 2, to clause 4 (3), for the word "fifteen" the word "seven" be substituted.

The proviso runs thus: "Provided that no person shall be detained in custody under this section for a period exceeding fifteen days save under a special order of the local Government, and no person shall in any case be detained in custody under this section for a period exceeding one month."

Let us compare this provision with that of the Criminal Procedure Code, section 61; it says:

"No police officer shall detain in custody a person arrested without warrant for a longer period than under all the circumstances of the case is reasonable and such period shall not, in the absence of a special order of a Magistrate under section 167, exceed 24 hours exclusive of the time necessary for the journey from the place of arrest to the Magistrate's Court."

Sir, the Criminal Procedure Code lays down the policy of Legislature in India with regard to the detention of persons in custody without a warrant and without an order of a Magistrate. It follows the principle of the English law that a police officer shall not detain a man without producing him before a Magistrate longer than is necessary; and 24 hours is the utmost limit which was assigned in the Criminal Procedure Code as the time during which a police officer can detain a person arrested without a warrant without producing him before a Magistrate. Under similar circumstances when the Government authorises under a special order to arrest a person without a warrant whether he be a police officer or any other officer he can detain him as long as 15 days. The reason is this: that a man is going to be produced before a Magistrate. The Magistrate is the person comparatively near at hand and to whom a man ordinarily arrested by the police may be taken. In this case the matter has got to go up before the local Government, and the local Government have got to pass final orders upon it.

That is the reason, I take it, why 15 days has been given as the period for which a person may be detained. What is the reason for this lengthy period of detention? There is no place in Bengal from which the necessary papers may not reach the Government of Bengal

for consideration in such time that the consideration may not be finished within seven days, and if the Government upon consideration of all relevant matters is satisfied that the man who has been arrested ought to be detained, it should be able to pass orders in the course of seven days. If the Government thinks that as a matter of fact the arrest ought not to have been made, or that the man ought not to be detained, it should pass fresh orders as quickly as possible, and this should not take more than seven days. The detention of a person for more than seven days under such circumstances will be wrongful, and wrongful detention of persons under the cover of any law is ordinarily wrong in itself, and the legislation which authorises such wrongful detention beyond what is necessary is certainly not a legislation which should be passed by a responsible legislature. Well, Sir, it may be said that seven days is too short a time, and that too many cases of this character may crop up at any time. I do not know whether the conspiracy in Bengal is so extensive that too many cases will come up before Government at the same time, but supposing that too many cases do come up to Government for orders, the officials who have to administer this Act must prove themselves dutiful and should be extremely energetic in disposing of such cases. Even if these cases are too many to be considered within a period of seven days, it would be a very good reason for increasing the staff. I submit that although such detention may be provided in this measure, it is all the same unlawful detention as it is against the first principles of the law.

I, therefore, suggest that a period of 7 days is quite enough for dealing with the case of a person who has been arrested, on grounds which may or may not be sufficient, by a police officer, who may be *any* police officer, since the Hon'ble Member has not been able to accept any of the amendments regarding this question. In such cases, the persons concerned have every right to expect that Government will deal with their case as expeditiously as possible, and 7 days' time should be quite sufficient for the purpose. I do not think that there can be any serious objection to this proposal.

Mr. NARENDRA KUMAR BASU: Sir, while speaking on this amendment, may I have your permission to move the next amendment which stands in my name?

Mr. PRESIDENT: You can make one speech on the amendments.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that in the proviso to clause 4 (*3*), line 4, for the words "one month" the words "a fortnight" be substituted.

Sir, as the previous speaker has pointed out, when a policeman arrests a person without a warrant, he is bound, under section 61 of the Criminal Procedure Code, to produce him before a Magistrate within 24 hours, but there are cases where the investigation may not be completed within 24 hours, and, therefore, section 167 (*2*) of the Code has laid down this further provision—

"The Magistrate to whom an accused person is forwarded under this section may, whether he has or has not jurisdiction to try the case, from time to time authorize the detention of the accused in such custody as such Magistrate thinks fit, for a term not exceeding fifteen days in the whole."

I would draw the particular attention of the members of this House to the words "for a term not exceeding fifteen days in the whole." It will be seen that even in the case of a person detained for a cognizable offence by the police, the Magistrate can remand him to custody for a total period of 15 days. So, I submit, that in such cases, where a person can be arrested by any police officer, and where, as the Hon'ble Member in charge of the Bill has said, information has to be obtained from the Intelligence Branch and the orders of Government have to be awaited, a clear period of 15 days in the whole for detaining such a person ought to be enough even in Bengal. I know that the Hon'ble Member has multifarious duties to do and may not have time to look into these papers as quickly as possible. But if the law is there that he has got to pass orders within 15 days, I hope he will be a little bit mindful of the hardship of the detained persons, and I think these amendments ought to be accepted.

The Hon'ble Mr. W. D. R. PRENTICE: I am sorry, Sir, it is physically impossible to get through these cases in the time suggested by the two previous speakers. I have had experience of these cases ever since the middle of April, and I had to stay down here for an extra week in May in order to get through these cases. I can say from my own experience that it is impossible to get through these cases in a rush if one is going to do his duty properly by them. The previous speaker referred to the 15 days' time which is allowed for remands under the Criminal Procedure Code, but under that Code the Magistrate can go on giving remands.

Mr. NARENDRA KUMAR BASU: But that has been condemned by the High Court.

The Hon'ble Mr. W. D. R. PRENTICE: It may be condemned, but the law is there. But here the person cannot be detained in custody for more than 15 days in all except under the special order of the local

Government. I know that in many cases two or three adjournments are granted under the Criminal Procedure Code and the accused persons are detained in custody for more than a month. Here the maximum period of detention even with the special order of Government is one month, which cannot be extended in any case. This is much more merciful than the Criminal Procedure Code.

The motion that in the proviso, line 2, to clause 4 (*3*), for the word "fifteen" the word "seven" be substituted was then put and lost.

The motion that in the proviso to clause 4 (*3*), line 4, for the words "one month" the words "a fortnight" be substituted was then put and lost.

Mr. PRESIDENT: The question is that clause 4 stand part of the Bill.

The motion was put and agreed to.

Clause 5.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that clause 5 shall be omitted.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that in clause 5 (*1*), line 4, for the words "any and every means" the words "any lawful means" be substituted.

Sir, this clause for the enforcement of certain orders under clause 2 provides that the officer in question may adopt any and every means. That seems to me to be very extraordinary. Any thing may be justified under the phrase "any and every means," and I think that although Government officers will not be prone to have recourse to any and every means for achieving their purpose and that they will adopt lawful means, the existence of these words in the clause seems to be very very obnoxious. Therefore, I propose that the words "any lawful means" be substituted for the words "any and every means."

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, may I have your permission to move a short-notice amendment?

Mr. PRESIDENT: I am sorry I cannot allow that.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I am afraid I must oppose the amendment moved by Maulvi Tamizuddin Khan, because I am advised that the insertion of the word "lawful" would lead to difficulties. But for your ruling I would have been quite willing to agree to a short-notice amendment to substitute "all" for "any and

every" in order to bring the wording into line with the wording of section 46 (*2*) in the Criminal Procedure Code. As it is, I cannot accept this amendment.

The motion of Maulvi Tamizuddin Khan was then put and lost.

The following amendments were called but not moved:—

Babu SATISH CHANDRA RAY CHOWDHURY to move that in clause 5 (*1*), line 4, after the word "every" the word "lawful" be inserted.

Maulvi TAMIZUDDIN KHAN to move that in clause 5 (*2*), line 2, for the words "any and every means" the words "any lawful means" be substituted.

Mr. PRESIDENT: I think that the decision of the Council on the motion of Maulvi Tamizuddin Khan governs the next amendment and so it does not arise.

The following amendment of Babu Satish Chandra Ray Chowdhury accordingly fell through:—

"That in clause 5 (*2*), line 2, after the word 'every' the word 'lawful' be inserted."

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

The motion was put and agreed to.

Clause 6.

Babu Satish Chandra Ray Chowdhury was called to move his amendment.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, it may perhaps save the time of the Council if I say at once that I am prepared to accept the first part of the amendment, viz., to insert the words "and wilfully" after the word "knowingly" if he withdraws the second part.

Babu SATISH CHANDRA RAY CHOWDHURY: I must thank the Hon'ble Member for this small concession. Then I shall move the second part.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, my offer is conditional on his withdrawing the second part.

Mr. PRESIDENT: I cannot be a party to any conditional withdrawal.

The Hon'ble Mr. W. D. R. PRENTICE: I beg your pardon, Sir, but I only wished to make my position clear to the mover.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, in that case I beg to move the amendment which stands in my name, viz., that in clause 6, line 2, after the word "knowingly" the words "and wilfully" be inserted and that in line 4 for the words "three years and shall also be liable to fine" the words "six months or fine extending to Rs. 200 or both" be substituted.

Mr. PRESIDENT: Order, order. I find that a section of the House would like to accept the first part of the amendment. It is in my power to split up the motion, while putting it to vote and I shall do so.

The following portion of the motion of Babu Satish Chandra Ray Chowdhury was then put and agreed to:—

"That in clause 6, line 2, after the word 'knowingly' the words 'and wilfully' be inserted."

The following portion of the motion of Babu Satish Chandra Ray Chowdhury was then, by leave of the Council, withdrawn:—

"That in line 4 for the words 'three years and shall also be liable to fine' the words 'six months or fine extending to Rs. 200 or both' be substituted."

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 6, line 4, for the word "three years" the words "two years" be substituted.

The Hon'ble Mr. W. D. R. PRENTICE: To save the time of the Council I might say at once that I am willing to accept this amendment.

Maulvi TAMIZUDDIN KHAN: As the Hon'ble Member-in-charge has expressed his willingness to accept the amendment, I will not make any speech, but formally move the amendment.

The motion that in clause 6, line 4, for the words "three years" the words "two years" be substituted was then put and agreed to.

The following amendment was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that in clause 6, line 4, for the words "three years" the word "one year" be substituted.

Babu SATYENDRA NATH ROY: In view of the fact that the Hon'ble Member has agreed to reduce the sentence from three years to two years, I beg leave of the House to move only the second part of my amendment, and I formally move it.

Mr. PRESIDENT: I allow Mr. Roy to move only the second part of his amendment without moving the first part.

The following portion of the motion of Babu Satyendra Nath Roy was therefore not moved:—

"That in clause 6, line 4, for the words 'three years' the words 'three months' be substituted."

The following motion of Babu Satyendra Nath Roy was then put and lost:—

"That to clause 6 the words 'not exceeding one hundred rupees' be added."

Mr. PRESIDENT: The question that clause 6, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 7.

The following amendments were called but not moved:—

Mr. NARENDRA KUMAR BASU to move that in clause 7 (*1*), line 2, after the word "officer" the words "not below the rank of a Deputy Superintendent of Police" shall be inserted.

Maulvi TAMIZUDDIN KHAN to move that clause 7 (*1*) (*b*) shall be omitted.

Maulvi TAMIZUDDIN KHAN to move that clause 7 (*1*) (*c*) shall be omitted.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that clause 7 (*1*) (*d*) be omitted.

Sir, the clause reads as follows: "Every person in respect of whom an order has been made under sub-section (*1*) of section 2 shall, if so directed by any officer authorised in this behalf by general or special order of the Local Government, attend at such times and places as such officer may direct." There may be two classes of persons who may be affected by this order. Some persons may be in jail and would be completely under the control of Government officers, and in their case it is unnecessary to have this provision at all. Then, there are others who are interned. The clause says that any officer authorised in this behalf by general or special order of Government may order that person to attend at such times and places as such officer may direct. As a matter of fact, in the case of several persons who were

detained in the past under the repealed Act, it had been a source of harassment. No legal purpose is served by requiring persons to attend at any time and at any place. When the law lays down that the person should permit himself to be photographed, allow his finger impressions to be taken and furnish the officer with specimens of his handwriting and signature, and live within the limits of a particular locality, why should that person be ordered to go through all sorts of places and why should not the officer in question be required to see that the person does not go outside the specified area? I am not moving this amendment as a mere academic proposition but as a practical one.

The Hon'ble Mr. W. D. R. PRENTICE: I may say that from a practical point of view the harassment to which the mover has referred is not likely to occur. For ordinarily all these things are done when a detenu is in jail. But supposing he is in jail he may refuse to leave his cell and go to the place in the jail where he is to be photographed, or have his finger impression taken. Clause 7 (*d*) is required to deal with such cases. I oppose the amendment.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

The following amendment was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that for clause 7 (*1*) (*d*), the following shall be substituted, namely:—

"(*d*) attend at such times and places as such officer may direct for the foregoing purpose."

[At 6-40 p.m. the Council was adjourned for prayer, and it reassembled at 6-50 p.m.]

The following amendments were not moved:—

Mr. NARENDRA KUMAR BASU to move that in clause 7 (*2*), line 1, the words "or attempts to avoid" be omitted.

Babu SATYENDRA NATH ROY to move that in clause 7 (*2*), line 4, for the words "one thousand" the words "one hundred" be substituted.

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was put and agreed to.

Clause 8.

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The motion was put and agreed to.

Clause 9.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 9 (*1*), line 1, for the word "an" the word "any" be substituted.

It is only to make the meaning clear that I move this amendment. I had a discussion with the Hon'ble Member-in-charge and I understand that there will be no objection to accepting the amendment. As it is a mere drafting amendment, I hope it will be accepted by the House.

Mr. J. W. NELSON: I am instructed to oppose this amendment. It may make very slight difference, but possibly it will change the meaning.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

The following motion was not moved as the previous sanction of the Governor General had not been received:—

Haji BADI AHMED CHOWDHURY to move that in clause 9 (*1*), lines 3 to 5 for the words "two persons, who shall be either Sessions Judges or Additional Sessions Judges having, in either case, exercised for at least five years the powers of a Sessions Judge, or Additional Sessions Judge" the following shall be substituted, namely—

"three persons one of whom shall be an official of the status of District and Sessions Judge or Additional District and Sessions Judge having, in either case, exercised for at least seven years the powers of a Sessions Judge, or an Additional Sessions Judge and the other two being two non-official gentlemen one a Hindu and another a Muhammadan who have been practising as advocates of a Chartered High Court for not less than fifteen years or who have been Subordinate Judges or Deputy Magistrates and have now retired."

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that in clause 9 (*1*), line 11, after the words "if furnished by him" the words "and where he has made no such answers, a certificate from the person in whose custody he may be, that he had an opportunity to answer but refused to answer," be inserted.

The Hon'ble Mr. W. D. R. PRENTICE: It may save the time of the Council if I say at once that I am willing to accept the amendment if the mover would omit the words————

Mr. PRESIDENT: I think it is better for the Hon'ble Member to oppose the amendment if it is not possible for him to accept it as it stands.

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I cannot accept the amendment as it is.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

The following amendments were not moved, as the previous sanction of the Governor General had not been received:—

Mr. NARENDRA KUMAR BASU to move that for clause 9 (*2*), the following be substituted, namely—

"(*2*) The Local Government shall on receipt of such report pass orders in accordance therewith."

Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 9 (*2*), lines 2 and 3, for the words "pass such order thereon as appears to the Local Government to be just or proper" the words "pass order thereon in conformity with the opinion of the Judges referred to section 9 (*1*)" be substituted.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that clause 9 (*3*) be omitted.

In this sub-clause the right of a person to appear by himself or by pleader before a tribunal which is a fundamental right accorded by law to the citizens of all civilized countries is being taken away. Of course the right of cross-examination, or challenging evidence does not find a place within the provisions of this law. The least that could be accorded to a person charged of a serious offence is that he should be allowed to be present either by himself or by pleader to explain the circumstances which might appear to the tribunal to be either proved or bearing against him. I trust the Hon'ble Member will accept my amendment.

7 p.m.

The Hon'ble Mr. W. D. R. PRENTICE: I regret I must oppose the amendment. These proceedings of the tribunal are not judicial proceedings within the ordinary meaning of the term. Indeed the whole reason for the Bill is that there are certain cases in which we cannot produce judicial evidence to prove a man's guilt. If we could, we would send the cases for trial either in the ordinary way or under the Bengal Criminal Amendment (Part Continuance) Act. But in the cases which we cannot send up for trial but deal with under section 2 (*1*) we take the advice of two judges. These judges are not acting as judicial officers but as advisers, giving their advice on all the secret records which are at their disposal. We cannot treat their advice as a judicial decision and publish it. It must be kept confidential, in fairness to all concerned.

The motion of Babu Satish Chandra Ray Chowdhury was then put and lost.

The following motion was not moved as the previous sanction of the Governor General had not been received:—

Haji BADI AHMED CHOWDHURY to move that for clause 9 (*3*), the following shall be substituted, namely—

"(*3*) That the person against whom an order has been made under sub-section (*1*) of section 2 will be entitled to appear in person before the tribunal constituted under sub-section (*1*) of this section and to answer the charges formulated against him but nothing in this section shall entitle the said person to appear by pleader and the report of the said tribunal shall be confidential."

Mr. NARENDRA KUMAR BASU: I beg to move that in clause 9 (*3*), line 2, for the word, brackets and figure "sub-section (*1*)" the word, brackets, figure and letter "sub-section (*1*) (*f*)" be substituted.

This is only a variation of the amendment that has been just negatived and I think that this is such a small demand that it may command acceptance in certain quarters. You will see that the orders that may be made under clause 2 are various, one of which is that the person may be committed to custody in jail. What I want to do by this amendment is that where a person has not been found so dangerous as to be allowed by the Local Government to be moving abroad and only his movements are regulated, in such a case a person may come before the tribunal. I will not use the word "tribunal" but before judges who are considering his case. We have heard just now that the judges are discharging executive functions— — —

The Hon'ble Mr. W. D. R. PRENTICE: On a point of personal explanation, Sir. I did not say executive functions but that these judges were merely advisers.

Mr. NARENDRA KUMAR BASU: At least I heard him to say that these judges are not acting as judges but as executive officers. But perhaps I was wrong. Then, if the judges are not acting as judges then I take it they are not acting either as ministerial officers or menials. Therefore, I say that the acts they are doing are executive acts. And my submission to the House is that although we have been trying for so many years to have separation of judicial from executive functions, one effect of that to-day is that persons of the position of Sessions Judges are made to do ministerial and menial work of the Local Government. I, therefore, say that the person who has been found by the Local Government not to be dangerous enough to be detained in custody should be allowed to appear before the judges.

The Hon'ble Mr. W. D. R. PRENTICE: I am afraid I must oppose the amendment. Whatever may be the nature of the order that Government may pass under clause 2 (*1*), whether the person is to go to jail or into domicile, whatever be the order, the same conditions apply in regard to the evidence. The omission of the clause would interfere with the proper working of the Bill and I must oppose the amendment.

The motion of Mr. Narendra Kumar Basu was then put and a division was asked for by Mr. P. Banerji.

(After the division bell had been ringing for 2 minutes.)

Mr. PRESIDENT: I have reasons to believe that my decision arrived at on the strength of the answering cries of "Aye" and "No" was not seriously challenged this time. From consideration of the probabilities of the case and to save the time of the Council I will give Mr. Banerji an opportunity of calling off the division.

Mr. P. BANERJI: I agree to call off the division, Sir.

The division was then, by leave of the Council, called off.

The motion was accordingly lost.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that after clause 9 (*3*), the following be added, namely:—

"(*3a*) Copy of such report as aforesaid and the copy of the order of the Government thereon shall be supplied to the person against whom the order has been made, free of cost."

I also move that in clause 9 (*3*), lines 2 and 3, the words "attend in person or" and in line 4, the words "and the proceedings" be omitted and after clause 9 (*3*) the following be added, namely:—

"(*4*) Copy of such report as aforesaid and the copy of the order of the Government shall be supplied to the person against whom the order has been made, free of cost."

The provision contained in clause 9 (*3*) precludes a person charged with an offence from appearing before the tribunal and is really a very drastic provision indeed. I can very well appreciate and understand the position of the Hon'ble Member when he does not desire that lawyers should be present at the time of the consideration of the record by the tribunal, but it is difficult to understand what reason can there be for not allowing the person, the only person, who can throw any light on the facts which appear against him on record for not being present at the time. It is a very simple demand that that person should be allowed to be present there with a view to help the judges to do justice, if justice it can be called at all. To preclude him from that

chamber would really be going back to the Star Chamber methods of trial. As a matter of fact it cannot be said that if he is present there he will disclose everything, all the proceedings, to outside people. He may not be allowed to cross-examine the witnesses but by his mere presence he can satisfy himself as regards the *bona fides* of the judges and he can ensure that both the facts appearing against him and in favour of him are considered by the judges. There is a maxim that it is not enough to do justice, but the justice should be done in a way so that people who get the justice may feel that justice has been done to them. It also means that a person who has been charged with an offence should be satisfied that his case has been considered from all points of view. Therefore, Sir, the presence of such a man should be considered to be indispensable. It is not enough to say that the judges have considered the record. We have heard it said repeatedly on the floor of this House by the Hon'ble Member with some tinge of pride that the judges appointed to consider and examine such records did not differ from him in a majority of cases. But, Sir, it could not be otherwise. Sir, the Hon'ble Member must be credited with the possession of some dose of commonsense. It is not likely that simply after going through the record without any light being thrown by the accused by his explanations or statements on many difficult and doubtful points, two judges sitting to consider the case experte will come to very different conclusions at least in majority of cases; I think that if the accused is allowed to explain the various points arising against him, the difference will be very great and I am sure that in 50 per cent. of cases, the judgment and report will be otherwise, and furthermore the persons will be satisfied that their cases have been considered from all possible points of view. Therefore, I move that my amendments should be accepted.

The Hon'ble Mr. W. D. R. PRENTICE: I beg to point out that clause 9 (3) reads "the proceedings and report of the said judges shall be confidential." It is impossible to accept the first motion of Babu Satish Chandra Ray Chowdhury which asks that a copy of the report of the judges shall be supplied to the person because that would defeat the provisions of clause 9 (3). These judges are advisers, are not executive officers or ministerialists or menials or whatever Mr. Basu may call them. They are simply advisers and their proceedings and report are confidential. It is, therefore, impossible for Government to send a copy of the report to the person whose case is under consideration. For it would not then remain confidential.

The same remarks apply to the other motion.

The motions of Babu Satish Chandra Ray Chowdhury were put and lost.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

The motion was put and agreed to.

Clause 10.

The following motion was not moved as the previous sanction of the Governor General had not been received:—

Mr. NARENDRA KUMAR BASU to move that in clause 10 (*4*), line 5, the words "or his estate if he be dead" be omitted.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was put and agreed to.

Clause 11.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I beg to move that in clause 11 (*1*), line 2, before the word "persons" the word "non-official" be inserted.

This amendment is a very simple one. I think it desirable that the Visiting Committees should consist of non-official persons and I have been told that Government generally appoint non-official members as visitors of jails. That being so, there can be no objection to my amendment. In order to make the position clear, the word "non-official" may be put down before the word "persons."

The Hon'ble Mr. W. D. R. PRENTICE: I am sorry, Sir, that there has been a misunderstanding in this case. I do not think there is any necessity for inserting the word "non-official" in the clause, for, as a matter of practice, this is what normally happens. Government appoints the District Magistrate and non-officials to these committees. If the amendment were accepted, we could not appoint District Magistrates to the committees.

The motion of Rai Bahadur Dr. Haridhan Dutt was put and lost.

The following amendments were called but not moved:—

Mr. NARENDRA KUMAR BASU to move that in clause 11 (*2*), line 1, after the words "periodical visits" the words "at intervals of not more than a week," be inserted.

Mr. NARENDRA KUMAR BASU to move that in clause 11 (*3*), line 3, the words "or to abstain from any specified act" be omitted.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

Clause 12.

Mr. PRESIDENT: The question is that clause 12 stand part of the Bill.

The motion was put and agreed to.

Clause 13.

Mr. PRESIDENT: The question is that clause 13 stand part of the Bill.

The motion was put and agreed to.

Clause 14.

The following amendment was called but not moved:—

MUNINDRA DEB RAI MAHASAI and Maulvi TAMIZUDDIN KHAN to move that clause 14 be omitted.

Mr. PRESIDENT: The question is that clause 14 stand part of the Bill.

The motion was put and agreed to.

Clause 15.

The following motion was called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that clause 15 be omitted.

Mr. PRESIDENT: The question is that clause 15 stand part of the Bill.

The motion was put and agreed to.

First Schedule.

The following motions were called but not moved:—

Babu SATYENDRA NATH ROY to move that in item *(1)* of the first schedule the figures "332," "457" and "506" be omitted.

Mr. NARENDRA KUMAR BASU to move that in item No. (1) of the first schedule the figures and word "438," "457" and "506" be omitted.

Mr. PRESIDENT: The question is that the First Schedule stand part of the Bill.

The motion was put and agreed to.

Second Schedule.

The following motions were called but not moved:—

Babu SATYENDRA NATH ROY to move that in item (*a*) of the second schedule the figures "332," "385," "386," "387," "454," "455," "457," "458," "459" and "506" be omitted.

Mr. NARENDRA KUMAR BASU to move that in item No. (*a*) of the second schedule the figures and word "454," "455," "457" and "506" be omitted.

Mr. PRESIDENT: The question is that the Second Schedule stand part of the Bill.

The motion was put and agreed to.

Preamble.

Mr. PRESIDENT: The question is that the Preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I beg to move that the Bengal Criminal Law Amendment Bill, 1930, as settled in Council, be passed.

Babu JATINDRA NATH BASU: Sir, I oppose this motion. The fact that after 175 years of Britain's connection with India and in the second quarter of the twentieth century a measure like the one which we have been considering should be sought to be placed on the statute book of the country shows the failure of British policy in India and the bankruptcy of British statesmanship in dealing with Indian affairs.

Mr. SHANTI SHEKHARESWAR ROY: Sir, we all want to get rid of the terrorist. The declared creed of the Indian National Congress is based on the principle of non-violence. The leaders of the Congress have condemned the cult of the bomb. If there is any sympathy in this country for the terrorist and his methods that is born of despair. Real statesmanship would dictate that an effort should be made to remove this feeling of despair at once and not advocate a panicky measure calculated to further embitter the feelings of the people.

The motion that the Bengal Criminal Law Amendment Bill, 1930, as settled in Council, be passed, was then put, and a division taken with the following result:

AYES.

Baksh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Guha, Mr. P. N.
Gurner, Mr C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Haque, Khan Bahadur Maulvi Azizul.
Hogg, Mr. G. P.
Hopkyns, Mr. W. S.
Hosain, Nawab Musharruf, Khan Bahadur.
Huq, Khan Sahib Maulvi Bazlul.
Hussain, Maulvi Latafat
Hutchings, Mr. R. H.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Lal Muhammed, Haji.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Roy, Mr. Sarat Kumar.
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath
Sarker, Rai Sahib Rebati Mohan.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Twynam, Mr. H. J.

NOES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Hakim, Maulvi Abdul.
Heque, Kazi Emdadul.
Hossain, Maulvi Muhammad
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Rout, Babu Haseni.
Roy, Babu Satyendra Nath.
Roy, Mr. Shanti Shekhareswar
Sen Gupta, Dr. Nareeh Chandra.

The Ayes being 61 and the Noes 15, the motion was carried.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 25th August, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 25th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 111 nominated and elected members.

Oath or affirmation.

The following made an oath of his allegiance to the Crown:—

Mr. H. S. E. Stevens.

Attempted outrage on Sir Charles Tegart.

Babu JATINDRANATH BASU: Mr. President, before the business of the House commences, may I have your permission to express our horror and our strongest condemnation at the attempted outrage this morning in Dalhousie Square by some persons armed with bombs and revolvers? Such attempts will be looked down upon with abhorrence by all sections of the people, whether they oppose the policy of the Government or desire a change in the constitution. The terrorists should know that they can never look for sympathy from their people if they resort to murder and other similar methods to gain their objects, however high those objects may be. We should place it beyond doubt that we approve only of a clean fight and clean methods, and that in the interests of our country, such violence and crime as happened this morning must be made to disappear. (Hear, hear.)

Sir, I take it that I represent the views not only of this side of the House but of the entire House.

Mr. A. K. FAZL-UL HUQ: With your permission, Sir, I beg to associate myself whole-heartedly with what has fallen from Mr. Basu, not only personally but on behalf of the party which we have the honour to represent, and, if I may say, on behalf of the Muhammadan members of this Council. Sir, it is a matter of great pride to us that so far as these revolutionary crimes are concerned, the Muhammadan community has steadily kept aloof from them, and I hope, Sir, that so far as our community is concerned, they will have no difficulty in carrying the programme for the liberation and independence of our country without recourse to any methods which must receive the severest condemnation at the hands of every one interested in the political welfare of India.

The Hon'ble Mr. A. MARR: Sir, I should like to associate all the members on the Government benches with Mr. Basu's remarks.

Mr. PRESIDENT: Need I assure you that I am very glad to find that the Council has condemned in no uncertain terms the cowardly attack that was made upon the life of Sir Charles Tegart this morning. On behalf of this House I express our joy at the fact that Sir Charles Tegart escaped unhurt. (Hear, hear.)

Starred Questions

(to which oral answers were given).

Picketing Presidency College.

***131. Babu PROFULLA KUMAR GUHA:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether he was consulted in placing the police force at the gate of the Presidency College during the recent picketing by the members of the All-Bengal Students' Association;

(*ii*) whether the Principal wanted the police help himself; and

(*iii*) whether the Director of Public Instruction, Bengal, had any hand in it?

(*b*) If the answer to (*a*) (*i*) is in the negative, will the Hon'ble Minister be pleased to state why he was not consulted?

(*c*) If the answers to (*a*) (*ii*) and (*iii*) are in the negative, will the Hon'ble Minister be pleased to state at whose instance the police was placed at the Presidency College?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) Yes.

(*ii*) Government decided that the Presidency College should be kept open for students who wished to attend and that if it was necessary for this purpose the assistance of the police should be invoked. This decision was communicated to the Principal.

(*iii*) Orders on the case were passed by Government.

(*b*) and (*c*) Do not arise.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state if the Government decision was taken on any report of the Principal of the College?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have nothing further to add.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to give a definite reply to 131 (*a*) (*ii*), i.e., whether the Principal wanted police assistance himself?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have nothing further to add.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state, with reference to (*a*) (*i*), on whose advice he acted?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I took the responsibility myself.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state the views of the Principal on this matter?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Nicasi drains and South Dum Dum Municipality.

***132. Babu PROFULLA KUMAR CUHA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that sullage water of the Cossipore-Chitpur area of the Corporation of Calcutta passed through various "Nicasi drains" to the South Dum Dum Municipality;

(*ii*) that all this sullage water accumulates near localities inhabited by human beings;

(*iii*) that epidemic diseases often break out owing to this standing nuisance;

(*iv*) that the South Dum Dum Municipality cannot afford to make these drains pucca and covered for want of funds; and

(*v*) that various references by the South Dum Dum Municipality to the Calcutta Corporation direct and through the Government, were unheeded?

(*b*) Are the Government considering the desirability of taking steps to make these drains covered and pucca for the improvement of the public health of the locality?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) (*i*) Yes.

(*ii*) There is accumulation near dwelling houses.

(*iii*) It is difficult to say to what extent this is a factor in the outbreak of epidemic disease.

(*iv*) The construction of pucca and covered drains would not in itself be sufficient to remedy the evil which arises partly from the inadequate discharge of the Bagjola canal.

(*v*) Government are not aware of correspondence between the South Dum Dum Municipality and the Calcutta Corporation on this subject.

(*b*) It is doubtful whether any purely local measures would prove effective, the problem being part of the whole difficulty in finding an outlet for the drainage of Calcutta which is under consideration.

Curzon Hall compound incident at Dacca.

***133. Dr. Sir NILRATAN SIRCAR:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state with reference to the recent death at Dacca of a student named Ajit Nath Bhattacharji, as a result of assaults alleged to have been committed on him by the police inside the University compound, whether it is a fact that the remains of the deceased were not made over to his relations for the performance of last rites, and that his obsequies could not as a result be performed strictly according to Hindu religious ideas?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what arrangements were made for cremation in this case and under whose orders they were carried out?

(c) Is the Hon'ble Member aware that deep resentment has been caused among the Dacca public, particularly among students of all communities, at the circumstances leading to the death of this young man, and the indignity caused to his remains by the non-performance of obsequial rites by his relations?

(d) Is it a fact that students of the Dacca University, including Hindus and Moslems, suspended their classes as a mark of protest at the occurrence and that several schools at Dacca followed suit?

(e) Is it a fact that a brother of the deceased has made a formal complaint before the Additional District Magistrate of Dacca against several members of the police force for having caused the death of the aforesaid student?

(f) Is it a fact that in his petition of complaint he has stated that Mr. Hodson, the District Superintendent of Police, is the main accused in this case?

(g) Is it also a fact that a petition would soon be submitted to the Government of Bengal for sanction to prosecute him?

(h) Is it a fact that pending judicial inquiry into the above complaint, the District Magistrate, Dacca, has instituted an extra-judicial inquiry into the incident?

(i) Is it a fact that the District Magistrate sent for the complainant and inquired as to who has advised him to complain against the police?

(j) If the answer to (i) is in the affirmative, will the Hon'ble Member be pleased to state whether the procedure has been adopted by the District Magistrate with the knowledge or approval of Government?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (a) and (b) The remains of the deceased were not made over to the relatives. A number of persons wished to take the body in procession through the middle of the town, and permission was refused by the District Magistrate who suggested that the body should be taken by boat to the village of the deceased. The friends of the deceased refused to agree to this and left the hospital and the cremation was carried out at the burning ghat by Brahmin constables, by the order of the District Magistrate.

(c) Students stayed away from schools and colleges to show their feeling about his death. So far as is known the non-performance of the last rites by relatives does not appear to have caused resentment.

(d) Yes.

(e) Yes.

(f) Yes.

(g) The petition has been submitted.

(*h*) No. He held an inquest under the provisions of the Criminal Procedure Code.

(*i*) The District Magistrate asked the complainant this question.

(*j*) No reference was made to Government.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that the relatives of the deceased Ajit Nath Bhattacharji agreed to take the dead body to their village without any consideration?

The Hon'ble Mr. W. D. R. PRENTICE: The District Magistrate did not agree.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state the reasons why permission was refused by the District Magistrate?

The Hon'ble Mr. W. D. R. PRENTICE: The conditions in Dacca were such that some of the leading Hindu gentlemen did not approve of a procession taking the dead body through the town.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether any attempt was made to find out the relatives of the deceased before the dead body was sent to the cremation ground?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know whether a search was made for the relatives. Communications were carried on with those who came to the District Magistrate. Whether they were relatives or friends, I cannot say.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state the reasons for refusing to allow the dead body to be taken to the village by the relatives?

The Hon'ble Mr. W. D. R. PRENTICE: I have just answered this in reply to another question.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member be pleased to state what orders have been passed on the petition of complaint against Mr. Hodson, the District Superintendent of Police?

The Hon'ble Mr. W. D. R. PRENTICE: Orders have not yet been passed.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether it is a fact that respectable citizens of Dacca, on receiving information that the dead body was being removed to the burning ghat, sent their officers to take charge of the cremation?

The Hon'ble Mr. W. D. R. PRENTICE: I have no information on that point.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether it is usual to have an extra-judicial inquiry made under orders of the District Magistrate when the inquiry is pending?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot say anything about what is usual, but the inquiry was held under the Criminal Procedure Code.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if he knows of any case in which this was done?

The Hon'ble Mr. W. D. R. PRENTICE: Yes. The Budge Budge riot in connection with the *Komagata Maru* case.

Inspection of Technical and Industrial Schools.

***134. Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what was the amount of travelling allowance drawn by the Inspector of Technical and Industrial Schools during the last five financial years?

(*b*) What is the practice in the Industries Department regarding submission of tour programmes and tour diaries by officers?

(*c*) Are there any standing orders in this connection?

(*d*) If so, are these orders strictly followed by the departmental officers?

(*e*) Will the Hon'ble Minister be pleased to lay on the table a copy of those orders together with copies of tour programmes and tour diaries of the Inspector of Technical and Industrial Schools for the months of December, 1929, and January and February, 1930, with the Director of Industries orders thereon, if any?

(*f*) Will the Hon'ble Minister be pleased to state—

(*i*) whether more than one school was inspected by this officer in any one day during 1927, 1928 and 1929;

(*ii*) if so, how many each day and on which dates;

(*iii*) the mileage travelled by road on each of these dates;

(*iv*) the names of the schools thus inspected; and

(*v*) the duration of inspection of each of these schools separately?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) A statement is laid on the table.

(*b*) All gazetted officers of the department and subordinate heads of institutions submit proposals for tours before they are undertaken and the orders of the Director of Industries are obtained. No separate tour diaries are submitted but the officers in submitting their reports and statements for preparation of travelling allowance bills give full details of the visits made.

(*c*) Yes.

(*d*) Yes: save when emergent journeys have to be made before the orders of the Director of Industries can be obtained.

(*e*) A copy of the standing order and an abstract of tour programmes of Inspector of Technical and Industrial Institutions for the months of December, January and February last, as approved by Director of Industries, are laid on the table.

(*f*) (*i*) Yes.

(*ii*), (*iii*) and (*iv*) A statement is laid on the table.

(*v*) The information asked for is not on record.

Statement referred to in reply to clause (a) of starred question No. 134.

1925-26 Rs. 1,483-9 from 10th August, 1925.

1926-27 Rs. 1,988-7.

1927-28—Rs. 2,270-11.

1928-29—Rs. 2,407-7.

1929-30—Rs. 3,486-13. The increase is due to the fact that the inspections of Weaving Schools had to be done by the Inspector of Technical and Industrial Institutions in the absence of the Assistant Inspector of Weaving Schools on deputation to Serampore as officiating Principal.

Copy of Standing Order referred to in reply to clause (e) of starred question No. 134.

Standing Order No. 42.

Tour Programme.

All touring gazetted officers of the department and heads of institutions will please submit tour programme to head office at least 10 days before the journey is to commence. An effort will be made to communicate the Director of Industries' approval to it before the tour is to commence, but should this be not done, the absence of instructions may be assumed to imply approval.

In case of unforeseen urgent journey, the above practice need not be adhered to. The journey should be undertaken but the fact should be reported to head office immediately the journey is commenced.

The tour programme should be submitted in the sample form enclosed.

(Revised form.)

Tour programme of ....

for the month of..... .... **193** .

Date and time of departure from headquarters.	Name of stations to be visited.	Date of arrival	Date of departure	Purpose of visit.
.... at.....				

(Signature)..... ....

(Designation). ....

Memo. No.....

Copy submitted to the Director of Industries, Bengal, for favour of his approval.

(Signature).....

(Designation)..... .....

Dated.... ....*193* .

An abstract of the tour programmes of the Inspector of Technical and Industrial Institutions referred to in reply to clause (c) of starred question No. 134.

Dates.	Places visited.	Purpose.
4th to 8th December, 1929.	Chittagong and Noakhali.	Accompanied Director of Industries to attend a conference for the proposed Technical School at Pahartali and thereafter inspected the following Weaving Schools in the districts of Chittagong and Noakhali : (1) Katirhat Weaving School. (2) West Satbaria and Fatehnagar Weaving Schools (3) Sreepur Kharandwip Weaving School (4) Hulain Weaving School. (5) Zorwarganj Weaving School. (6) Begumganj Weaving School (7) Fatehpur Weaving School
9th and 10th December, 1929.	Dacca	Inspected Sir Salimullah Orphanage and Dacca Weaving School and attended the conch shell cutting demonstration
17th to 19th December, 1929	Jalpaiguri and Dinajpur	Inspected Peripatetic Weaving Schools.
20th December, 1929	Pabna	Inspected Technical School, District Weaving School and Sujanagar Peripatetic Weaving School.
31st December, 1929, to 10th January, 1930.	Allahabad, Benares, Patna, Bhagalpur and Gaya.	Visited Technical Schools at those places.
24th to 27th January, 1930.	Malda	Attended anniversary of the Malda Silk Union.
28th January, 1930 ..	Kanchrapara ..	Visited the place to discuss hostel question with the local committee of the Kanchrapara Technical School.
28th January, 1930 ..	Gosaba ..	Visited the place to advise Sir Daniel Hamilton on his Weaving School.
5th February, 1930 ..	Burdwan ..	Attended meeting of the sub-committee of the Burdwan Technical School.
16th February, 1930 ..	Amta ..	Visited the Peripatetic Weaving School there.
21st February, 1930 ..	Baranagore ..	Visited Industrial Schools there.
21st to 25th February, 1930.	Dacca ..	Visited District Weaving School and Ahsanulla School of Engineering.

Statement referred to in reply to clause (f) (ii), (iii) and (iv) of starred question No. 134.

Date.	Number of schools inspected.	Number of miles travelled.	Names of schools inspected.
		Miles.	
21st July, 1927 ..	2	26	Keorapukur (by motor) and Gangarai (by boat) Industrial Schools.
22nd November, 1927	2	2	Barrackpore Wesleyan Mission School and Ishapore Technical School.
12th December, 1927	3	17	Ramkrishna Mission School, Mobarakpur, and Selimabad Peripatetic Weaving Schools (Burdwan district) (by motor).
19th December, 1927	2	8½	Rangpur Technical School and Mondalghat Peripatetic Weaving School (by motor)
17th January, 1928 ..	2	50	Aided Weaving Schools at Hulain (by boat) and Katirhat (by motor).
21st January, 1928 ..	4	38	Aided Weaving Schools at Satbaria, Fatehnagar and Barama and Industrial School at Pahartali (by motor).
22nd January, 1928 ..	2	28	Aided Weaving Schools at Kharandwip and Manderghat (by boat).
31st January, 1928 ..	2		Deaf and Dumb School and Government Technical School at Barisal.
1st October, 1928 ..	2	3	Kishorekishore Technical School and Deaf and Dumb School at Mymensingh
6th December, 1928 ..	2	51	Daribaria and Sholat Weaving Schools (by motor).
10th July, 1929 ..	2		Wesleyan Mission School and Government Weaving School, Bankura.
26th July, 1929 ..	2	14	Boys' and Women's Industrial Schools, Keorapukur (by motor).
20th August, 1929 ..	2	40	Ramgarh Peripatetic Weaving School and Midnapore Weaving School (by motor).
5th December, 1929 ..	2	44	Industrial School, Pahartali, and Weaving School, Katirhat (by motor).
3rd December, 1929 ..	3	68	Weaving Schools at Satbaria, Hulain and Kharandwip (by motor).
7th December, 1929 ..	2	6	Government Weaving School, Zorwarganj, Chittagong and aided Weaving School, Feni, Noakhali (by motor).
8th December, 1929 ..	2	57	Begumganj Government Weaving School and Fatehpur Aided School.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state with reference to the standing order regarding Tour Programme whether approval was taken to the tour of the Inspector of Technical Education for touring in Allahabad, Patna, Bhagalpur and Gaya immediately after the Christmas holidays?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I want notice.

Drinking water-supply at Basantapur Railway station.

***135. Maulvi TAMIZUDDIN KHAN:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the water of the well at the Basantapur Railway station in the Faridpur Branch line of the Eastern Bengal Railway has long been declared as unsafe for drinking on chemical examination?

(*b*) Is the Hon'ble Member also aware that there is no provision for supplying drinking water either to passengers or to the railway employees at the said station for more than a year?

(*c*) What steps, if any, are the Government contemplating taking in the matter?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) Yes. But this station being situated in deltaic Bengal there are numerous sources of supply in the vicinity of the station which local passengers may use. Basantapur station is on a branch line and therefore no through passengers are carried for long distances.

(*c*) The Railway Administration propose to sink a tube-well at this station during the year 1931-32, if funds permit.

Arrests and conviction for disobeying orders under section 144, Criminal Procedure Code.

***136. Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for the months of April, May, June and July, 1930—

(*i*) the number of persons arrested, and
(*ii*) the number of persons convicted

in this Presidency for disobeying orders under section 144, Criminal Procedure Code?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) 554.

(*ii*) 449.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state how many of the cases were defended and how many were undefended?

The Hon'ble Mr. W. D. R. PRENTICE: That I cannot say off-hand.

Unstarred Questions

(answers to which were laid on the table).

Grand Trunk Road.

176. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state whether any money has been sanctioned from the Road Development Fund for the improvement of the Grand Trunk Road?

(*b*) Is the Hon'ble Minister aware that the portion of the Grand Trunk Road within the jurisdiction of the Howrah municipality is likely to be treated with tar in the course of the year?

(*c*) Is it a fact that the Howrah municipality has been giving its important roads adjoining the Grand Trunk Road a tar surface?

(*d*) Is it a fact that the Grand Trunk Road within the municipal limits of Howrah compare very unfavourably with some of the municipal roads adjoining it, viz., Avenue Road, Panchanantala Road, Guru Charan Roy Chowdhury Ghat Road, Raj Narayan Roy Chowdhury Ghat Road, etc.?

(*e*) Is it a fact that a large portion of the Grand Trunk Road outside the municipality of Howrah has been tar-painted at Government expense?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state why the portion within the municipality of Howrah is being differently treated?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Farooqui): (*a*) Yes.

(*b*) Yes, if funds are available.

(*c*) Yes.

(*d*) Some portions of the Grand Trunk Road within the Howrah municipality may be in a worse condition than some of the municipal roads, but this is by no means the case throughout.

(*e*) Yes.

(*f*) The municipality have refused to pay the share of cost proposed by Government.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Minister be pleased to state whether other municipalities contribute towards the repairs of Government roads lying in their jurisdiction?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: No.

Rai Bahadur Dr. HARIDHAN DUTT: Will the Hon'ble Minister be be pleased to state whether the municipality of Howrah has the right to suggest any modifications to the share of cost proposed by Government?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: The matter is now the subject-matter of negotiations with the Chairman of the Howrah municipality.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether the license fees realised from the motor cars and motor buses go to the Howrah municipal funds or to Government?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether it is a fact that no part of fees realised from motor cars and buses go direct to the Howrah municipal funds?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state whether the financial condition of the Howrah municipality is such that no attempt should be made to levy some contribution from them for maintaining a road which is of use not only to the Howrah municipality alone but also to other municipalities as well?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I have nothing further to add.

Public libraries.

177. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to enunciate the policy of Government towards the promotion and upkeep of the public libraries in Bengal?

(*b*) Do the Government recognise the public libraries as important factors in promoting adult education?

(*c*) Are the Government considering the desirability of—

(*i*) allotting funds for the furtherance of public libraries;

(*ii*) presenting Government publications to at least one library in each municipality or within each thana in rural areas;

(*iii*) arranging for a short course of training for library workers either at the Imperial Library or at the University of Calcutta or Dacca;

(*iv*) deputing representatives to attend the Provincial and All-India Libraries' Conference; and

(*v*) opening a Bureau of Information in the Education Department to assist the public libraries in the province?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) and (*b*) The promotion and upkeep of public libraries is not so much the direct concern of the Provincial Government as a matter for public liberality and co-operation. Government therefore only consider the grant of assistance in special cases.

(*c*) (*i*) No: except in accordance with the policy described in answer to (*a*) and (*b*) above.

(*ii*) No; applications for free supply of Government publications are dealt with separately on their merits. No library is considered eligible for free supply if not open free to the public, and if the expense of free supply is not justified by the extra publicity expected for the publications to be supplied.

(*iii*) No.

(*iv*) No; deputation of representatives is not at present under consideration.

(*v*) No.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state how many libraries are at present subsidised by Government?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I would refer the member to the answer to a subsequent question in to-day's Agenda Paper.

MUNINDRA DEB RAI MAHASAI: With reference to (*b*), will the Hon'ble Minister be pleased to state whether Government recognise public libraries as important factors in promoting adult education?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I would refer the member to answers to (*a*) and (*b*).

MUNINDRA DEB RAI MAHASAI: With reference to (*a*), will the Hon'ble Minister be pleased to state whether he is agreeable to make better provision of grants to libraries in the next year's budget?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have nothing further to add.

Rewards to panchayats and members of union boards.

178. Mr. SAILESWAR SINGH ROY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether the district boards control the self-governing portion of the work done by the union boards; and

(*ii*) whether the presidents and the members of the union boards are rewarded for their general good work or only for their works done in respect of section 37 (*a*) of the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919)?

(*b*) If the answer to (*a*) (*ii*) is that the presidents and members are rewarded for their general good work, will the Hon'ble Minister be pleased to state whether the chairmen of district boards are consulted before rewarding presidents and members of the union boards?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state why they are not consulted?

(*d*) Are the Government considering the desirability of consulting the chairman of the district board concerned in future?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) (*i*) District boards share this control with District Magistrates.

(*ii*) Grants are placed at the disposal of District Magistrates for rewards to presidents and members of union boards and to presidents and members of chaukidari panchayats. The rewards may be given for any kind of good work.

(*b*) and (*c*) District Magistrates are not required to consult chairmen of district boards, but are free to do so if they wish. The chairman of the district board has in most cases no information as to the comparative merits of union boards and their office-bearers other than that derived from reports of Circle Officers and Subdivisional Officers.

(*d*) No.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether Government are aware of any case in which the chairmen of district boards were consulted?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Government are not aware of such cases.

Mr. BIJOY PRASAD SINGH ROY: With reference to (*b*) and (*c*), will the Hon'ble Minister be pleased to state if it is not a fact that the budgets of rewards made by the union boards are submitted to the chairmen of district boards for approval?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Yes.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state whether that budget ought to give the chairmen sufficient data to form an opinion about the union boards concerned?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Khan Bahadur Maulvi AZIZUL HAQUE: With reference to the latter portion of the reply to (*b*) and (*c*), will the Hon'ble Minister be pleased to state whether it is based on his knowledge as a chairman of district board or whether he has obtained the information from Government reports?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I have nothing further to add to what I stated in the reply.

Mr. BIJOY PRASAD SINGH ROY: Will the Hon'ble Minister be pleased to state the ground for refusing to ask the District Magistrate to consult the chairmen of district boards in the matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: It will take some time for Government to examine the question before Government can ask the District Magistrate to consult the chairman.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Minister aware that the latter part of his reply I have referred to above is absolutely incorrect?

Mr. PRESIDENT: That is no question and I do not allow it.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether or not Government consider the desirability of circularising district officers to consult the chairmen of district boards in the matter of rewards in future, as they are competent, by reason of their personal knowledge of the working of union boards, to express their personal opinion with regard to the recipients of certificates and rewards for meritorious union board work?

Mr. PRESIDENT: I am afraid your question is unnecessarily long.

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I would refer the member to answers (*b*) and (*c*).

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to issue instructions to District Magistrates to consult chairmen of district boards in the matter?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I would refer the member to the last sentence of my reply to (*b*) and (*c*).

Mr. B. C. CHATTERJEE: Is the Hon'ble Minister entitled to get help from the Secretary?

Mr. PRESIDENT: How can you prevent him from making the best use of his Secretary? (Laughter.)

Mr. B. C. CHATTERJEE: Then why should Government pay a salary to Ministers and to Secretaries as well?

Mr. PRESIDENT: It is not a question likely to be answered by the Hon'ble Minister. (Laughter.)

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether he is aware of any instances in which the chairmen of district boards were consulted before awarding prizes to members of union boards?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I have already answered that question.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether his inability to answer questions promptly is due to the fact that he is new to the office?

Mr. PRESIDENT: I cannot allow that question.

Water-supply within Basirhat Municipality.

179. Maulvi MUHAMMAD SAADATULLAH: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it has been brought to his notice that the Commissioners of the Basirhat Municipality in the district of the 24-Parganas have systematically neglected to provide for supply of drinking water in the areas known as Sainpala, Khordbelia and other Mussalman villages?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of allotting any sum from provincial revenues to relieve the water scarcity in these areas?

(*c*) Is it a fact that tube-wells are being sunk by the Basirhat municipality in Hindu localities where the Carmichael Reserve tank and other sources of drinking water exist while no provision has been made for sinking tube-wells in Muhammadan localities?

(*d*) Is it a fact that Anjuman-e-Khademul Islam of Basirhat made a representation to the Hon'ble Minister drawing his attention to the action of the Basirhat Municipality in connection with the sinking of tube-wells?

(*e*) If so, what action, if any, has been taken in the matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) No.

(*b*) Does not arise.

(*c*) A tube-well has been sunk near the Carmichael Reserve tank, but is reported to have been unsuccessful. The municipality are said to have drawn up a programme for the equable distribution of wells.

(*d*) No; but a copy of a letter to the chairman of the municipality was sent to the Minister.

(*e*) This was forwarded to the Commissioner for disposal and the writer informed.

Union boards and electoral wards.

180. Mr. BIJOY PRASAD SINGH ROY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state, district by district, the number of union boards that have ward divisions?

(*b*) Is the Hon'ble Minister aware that there are many union boards that have not been divided into electoral wards, though the local people are in favour of it?

(*c*) Does the Hon'ble Minister intend to take any steps in the matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: (*a*) A statement is laid on the table showing respectively the number of unions with and without wards.

(*b*) Local opinion varies.

(*c*) Government do not propose to interfere with the discretion of District Officers in the exercise of their powers under rule 2 of the Union Board Election Rules.

Statement referred to in the reply to clause (a) of unstarred question No. 180.

Name of district.	Number of union boards that have ward divisions.	Number of union boards that have not been divided into electoral wards
Burdwan	165	Nil
Birbhum	174	Nil
Bankura	183	Nil
Hooghly	126	Nil
Howrah	82	Nil
24-Parganas	86	53
Nadia	194	70
Murshidabad	10	147
Jessore	63	198
Khulna	10	111
Dacca	227	91
Mymensingh	9	394
Faridpur	199	32
Bakarganj	70	84
Chittagong	108	49
Tippera	253	Nil
Noakhali	37	111
Rajshahi	138	Nil
Dinajpur	Nil	278
Rangpur	161	156
Bogra	17	115
Malda	Nil	92
Darjeeling	Nil	1
Pabna	148	Nil

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether Government consider it desirable to consult the chairmen of district boards in the matter?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice.

Public libraries.

181. MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*a*) a list of public libraries existing at present in Bengal—

(*i*) which are receiving regular Government grants,

(*ii*) which are receiving free supply of Government publications, and

(*iii*) which have received building grants during the last five years;

(*b*) a list of registered libraries existing at present in each district; and

(*c*) a statement of grants to the public libraries provided by the Government.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) The Navadwip Ideal Library, district Nadia, is the only library which receives a monthly grant of Rs. 25 from this department. The following institutions also receive grants from Government, but no separate grants are given to the libraries attached to them:—

(1) Calcutta University Institute.

(2) Bangiya Sahitya Parisad.

(3) Sanskrit Sahitya Parisad.

(*ii*) A statement is laid on the table.

(*iii*) None.

(*b*) A statement is laid on the table.

(*c*) The information is contained in the answer to (*a*) (*i*) above.

Statement referred to in the reply to clause (b) of unstarred question No. 181.

The names of public libraries which are receiving free supply of Government publications are shown below:—

1. Honorary Secretary, Ram Mohon Library and Free Reading Room, Calcutta.
2. Librarian, Ram Mohon Roy Library and Reading Room, Dacca.
3. Librarian, Annada Gobinda Public Library, Pabna.
4. Librarian, Tilak Public Library, Raniganj, Burdwan.
5. Librarian, Ramprasad Library, Halisahar, 24-Parganas.
6. Librarian, Northbrook Hall Library, Dacca.
7. Secretary, Bally Public Library, Howrah.
8. Secretary, Bankura Public Library, Bankura.
9. Secretary, Burdwan Raj Public Library, Burdwan.
10. Secretary, Chaitannya Library, Calcutta.
11. Secretary, Diamond Jubilee Library, Bhola.
12. Secretary, Madaripur Public Library, Madaripur.
13. Secretary, Hooghly Public Library, Chinsura.
14. Secretary, Jessore Public Library, Jessore.
15. Secretary, Konnagore Public Library, Konnagore.
16. Secretary, Midnapore Public Library, Midnapore.
17. Secretary, Noakhali Town Hall Library, Noakhali.
18. Secretary, Serampore Public Library, Serampore.
19. Secretary, Sibpur Public Library, Sibpur.
20. Secretary, United Reading Room, Calcutta.
21. Secretary, Wilkinson Public Library, Kalimpong.
22. Honorary Secretary, Hem Chandra Library and Free Reading Room, Kidderpore.
23. Honorary Secretary, Duke Public Library, Howrah.
24. Joint Secretary, Krishnagore Public Library, Nadia.
25. President, Michael Library, Kidderpore.
26. President, Gurkha Union Library, Kurseong, Darjeeling.
27. President, Kasiswari Darjeeling Public Library and Reading Room, Darjeeling.
28. Librarian, Public Library, Barisal.
29. Librarian, Noakhali Town Hall Library, Noakhali.
30. Secretary, Public Reading Room, Kalimpong.
31. Honorary Secretary, Cottage Library and Bhowanipore Institute, Calcutta.

Statement referred to in the reply to clause (ii) of unstarred question No. 181.

List of libraries (registered under Act XXI) in Bengal according to districts.

CALCUTTA.

1. Chaitannya Library and Beadon Square Literary Club.
2. Baghbazar Reading Library.
3. Dalhousie Institute.
4. United Reading Room.
5. Rammohon Library and Free Reading Room.
6. Bandhab Library.
7. Chetla Nityananda Library.
8. Saraswati Institute and Free Reading Room.
9. Boys' Own Library and Young Men's Institute.
10. Kasba Public Library.
11. Cottage Library and Bhowanipore Institute.
12. Suburban Reading Club.
13. Albert Institute.
14. Narkeldanga Sir Gurudas Institute.
15. Hem Chandra Library.
16. Beleghata Sandhya Samiti (Sadharan Pustakagar).
17. North Entally Kamala Library.
18. Kumartuli Institute.
19. Jorabagan Club.
20. Ashutosh Mukerjee Memorial Institute.

HOWRAH.

21. Friends' Union Club.
22. Maju Public Library.
23. Sibpur Public Library.
24. Duke Public Library.
25. Howrah Literary Association (Sahitya Sammilan).
26. Ramkrishnapur Library and Friends' Century Club.
27. Madhab Memorial Library.
28. Howrah Town Club.
29. Howrah Gouria Baisnab Sammilani.

HOOGHLY.

30. Society for the Management of Uttarpara Public Library.
31. Serampore Public Library and Mutual Improvement Association.
32. Uttarpara Saraswat Sammilan.
33. Friends' Library.
34. Konnagar Public Library and Free Reading Room.
35. Bansberia Public Library.
36. Uttarbahini Library.
37. Haripal Kailash Chandra Sadharan Pathagar.
38. Mohes Public Library and Free Reading Room.
39. Chatra Reading Room and Library.

24-PARGANAS.

40. Dhakuria Public Library.
41. Taki Sadharan Pusthakalaya O Pathagar.
42. Bankim Sahitya Sammilan.
43. People's Association, Garulia and Nawpara.

BURDWAN.

44. Young Men's Muslim Association.

NADIA.

45. Ranaghat Public Library.

JALPAIGURI.

46. Jalpaiguri Public Reading Room.
47. Jalpaiguri Institute.

MURSHIDABAD.

48. Bani Mandir.

CHITTAGONG.

49. Chittagong Institute.

RANGPUR.

50. Rangpur Institute.

51. Rangpur Public Library.

PABNA.

52. Annada Gobinda Public Library.

53. Sthal Banee Mandir.

BOGRA.

54. Bogra Kshatrya Samiti.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister be pleased to state whether he considers grants to three libraries in Calcutta and to one in the mufassal sufficient to meet the demands of the Presidency?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

MUNINDRA DEB RAI MAHASAI: Is the Hon'ble Minister aware that suitable grants are made to libraries in the Madras Presidency?

Mr. PRESIDENT: I cannot allow that question. It is not within the cognizance of the Hon'ble Minister as to what grants are made in Madras.

Khan Bahadur Maulvi AZIZUL HAQUE: If the Inspector of Technical Education can be allowed to visit Allahabad, Benares and other places, why is it not that the Hon'ble Minister can be expected to make inquiries as to the grants in Madras?

Mr. PRESIDENT: That is quite a different matter. You do not know under what circumstances and for what purposes the Inspector of Technical Education toured in those places.

GOVERNMENT BILL.

The Bengal (Rural) Primary Education Bill, 1930.

Mr. PRESIDENT: The House will remember that when I first placed before it the motion of Mr. Sarat Kumar Roy regarding reference of the Bill to a Select Committee, I gave hon'ble members to understand that I would divide the motion into two parts while putting it to vote. In the first part lies the principle of the motion, viz., whether or not the Bill should be referred to a select committee. I shall put the first part first. If that is accepted, then and then only I shall put the second part, containing the names of those who will form the select committee, together with such other motions, bearing other names, as are in order.

Therefore, the question before the House is that the Bengal (Rural) Primary Education Bill, 1930, be referred to a select committee.

The motion was put and lost.

[Here all the elected Hindu members present with some exceptions left the Chamber].

The motion that the Bill be taken into consideration was then put and agreed to.

Clause 1.

The following motions were called but not moved:—

Babu KISHORI MOHAN CHAUDHURI to move that in clause 1 (*1*), line 1, the word and brackets "(Rural)" shall be omitted.

Mr. SHANTI SHEKHARESWAR ROY, Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, and Maulvi ABDUL HAMID SHAH to move that in clause 1 (*1*), line 1, before the word "primary" the word "free" shall be inserted.

Babu KISHORI MOHAN CHAUDHURI to move that in clause 1 (*2*), lines 2—4, after the word "Calcutta" the words beginning with "and any area" and ending with "Bengal Municipal Act, 1884," shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 1 (*3*), the following shall be substituted, namely:—

"(*3*) (*a*) Chapter II shall come into force in whole or in part in such districts or parts thereof on such date as the Local Government may by notification direct; such date not being more than one year from the commencement of this Act.

(*b*) The other provisions of this Act shall come into force, in whole or in part, in such districts or parts of districts on such dates as the Local Government may by notification direct, on the recommendations of the Board; and for this purpose different dates may be appointed for different provisions of this Act and for different districts or parts of districts."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 1 (*3*), the following shall be substituted, namely:—

" (*3*) (*a*) Chapter II shall come into force, first in part in parts of districts as a tentative measure for an experimental period of four years and if successful, it should come into force in whole in those parts only where experimented; and afterwards be extended to the whole area of such districts; but in either case, the Local Government may by notification direct such date being not less than one year from the commencement of this Act.

(*b*) The other provisions of the Act shall come into force, first in parts and then in whole, in parts of such districts and then in whole districts on such dates, as the Local Government may on the recommendations of the Board, by notification direct; and for this purpose different dates may be appointed for different provisions of this Act, and for different districts, or parts of districts."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 1 (*3*), the following shall be substituted, namely:—

" (*3*) It shall come into force, first in part and then in whole in parts of such districts, and then in the whole districts, as the Local Government may by notification direct and for this purpose different dates may be appointed for different provisions of the Act and for different districts or parts of districts; but in either case a period of one year shall be allowed to make the legislation effective."

Dr. AMULYA RATAN GHOSE to move that in clause 1 (*3*), line 2, after the words "such dates" the words "not before the 1st April, 1932" shall be inserted.

Dr. NARESH CHANDRA SEN GUPTA and Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 1 (*3*), lines 2 and 3, after the words "the Local Government may" the words "on the recommendation of the Central Primary Education Committee" shall be inserted.

Dr. NARESH CHANDRA SEN GUPTA to move that at the end of clause 1 (*3*), after the proviso, the following proviso shall be added, namely:—

"Provided also that the Local Government may, by notification, after consulting the relevant District School Board extend the operation of this Act to any area which has been or may be included within any Municipality under the Bengal Municipal Act, 1884."

Mr. SHANTI SHEKHARESWAR RAY to move that to clause 1 (*3*), the following proviso shall be added, namely:—

"Provided also that the Local Government shall not direct that chapter IV of the Act shall come into force in such districts or parts of districts where provision cannot be made for free primary education of all male children within one year from such notification."

Mr. PRESIDENT: The question is that clause 1 stand part of the Bill.

The motion was put and agreed to.

Clause 2.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 2 (*1*), lines 1 and 2, before the word "instruction" the word "secular" shall be added.

Mr. SARAT KUMAR ROY to move that after clause 2 (*1*), the following sub-clause (*1a*) be inserted, namely:—

"(*1a*) 'annual value' of any land, estate or tenure means the total rent which is payable, or, if no rent is actually payable, would, on a reasonable assessment, be payable, during the year by all the cultivating raiyats of such land, estate or tenure, or by other persons in the actual use and occupation thereof less a deduction of fifteen per cent."

Babu KISHORI MOHAN CHAUDHURI to move that for clause 2 (*2*), the following shall be substituted, namely:—

"(*2*) 'Board' means a district or municipal Board."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 2 (*2*), line 1, for the words "District School Board" the words "Local Primary Education Board" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 2 (*2*), line 1, for the words "District School Board" the words "District Primary School Board" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 2 (*3*), the following shall be substituted, namely:—

" 'child' means a child who is not less than five and not more than fifteen years of age."

Maulvi ABDUL HAMID SHAH to move that in clause 2 (*3*), line 2, after the word "age" the words "in the case of boys and ten in the case of girls" shall be inserted.

Rai Bahadur Dr. HARIDHAN DUTT and Mr. S. M. BOSE to move that to clause 2 (*3*), the words "not less than eleven years" shall be added.

Mr. S. M. BOSE, Maulvi ABDUL HAMID SHAH, and Dr. AMULYA RATAN GHOSE to move that in clause 2 (*3*), lines 2 and 3, the words "or other prescribed age" shall be omitted.

Babu KISHORI MOHAN CHAUDHURI to move that clause 2 (*4*) shall be omitted.

Mr. SYAMAPROSAD MOOKERJEE to move that to clause 2 (*7*), the following words shall be added, namely:—

"responsible to the Director of Public Instruction."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 2 (*8*), the following shall be substituted, namely:—

"(*8*) 'District Inspector of Schools' means the local executive educational officer in charge of primary education in each district, responsible to the Central Primary Education Committee."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 2 (*8*), the following shall be substituted, namely:—

"(*8*) 'Education officer in charge of Primary Education' means the local executive educational officer in charge of primary education in each district, responsible to the authority or authorities of the Central Primary Education Committee."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 2 (*8*), line 1, for the words "District Inspector of Schools" the words "Primary Education Officer" shall be substituted.

Maulvi ABDUL HAMID SHAH to move that in clause 2 (*8*), lines 3 and 4, the words "responsible to the Director of Public Instruction" shall be omitted.

Rai Sahib PANCHANAN BARMA: I beg to move that after clause 2 (*8*), the following be inserted, namely:—

"(*8A*) 'Educationally backward classes' means—

(*a*) those classes of the non-Moslem population the literacy of which according to the Census Report is 10 per cent. or less, or

(*b*) those classes of non-Moslem people which the Education Department enumerates from time to time as being included within the 'educationally backward classes.'"

Sir, this is an addition to a definition or description of the "educationally backward classes." This amendment has been necessitated by the use of the term "depressed classes" in clause 4 (*1*) (*c*) which has not been defined, described or enumerated anywhere in the Bill; nor has it at present any place in the vocabulary of the Education Department, and which I propose to substitute by the term "educationally backward classes." It is one branch of the dual classification of the Hindus made by the Education Department with the sanction of the Government. Hence the necessity of adding a definition or description of what are to be meant by "educationally backward classes," which is intended to be done by this amendment.

Here arises the necessity to consider the meaning and application of the two terms "the depressed classes" and "the educationally backward classes," the former of which is required to be substituted by the latter.

The term "depressed classes" was coined and used by the Calcutta University Commission of 1884 and applied by them to include a group of 21 castes enumerated at page 189, Part I of their Report. Later, the Education Department for the purpose of annual statistical return divided the Hindus into two classes: (1) the high classes and (2) the depressed classes or the depressed and the backward classes, and brought nine more castes within the term "depressed" and made the total number 30. Some five or six years ago as a result of a strong public protest to the Government and after long and cool deliberation by the Government in the Education Department they gave up the former classification of the Hindus into high classes and depressed classes and adopted in its place the classification "educationally advanced classes and educationally backward classes."

From the point of view of education—and it is hardly necessary that Government in the Education Department should approach the question

from any other point of view—the classification of Hindus into educationally advanced and educationally backward classes is very right and proper and has been pursued by the Education Department through all the stages from top to bottom of the educational scale. Sir, the Education Department recognises no other classification, and there is no such class as the depressed classes within the view of the Education Department of Government. Even the paper bearing the head-line—"Why is a Primary Education Bill necessary," dated the 18th August, 1930, i.e., during the course of consideration of this Bill written over the signature of Mr. H. E. Stapleton, Director of Public Instruction, Bengal, and circulated for the purpose of promoting the passage of this Bill through the Council, recognises only two classes of the Hindus, the educationally advanced classes and the educationally backward classes and knows nothing of the depressed classes. And now to use the term "depressed classes" in this Bill is an anachronism and is not only so but also self-contradiction on the part of the Education Department as also on the part of the Government; so using the term it contradicts its abandoning the term "depressed classes." So the term "depressed class" cannot now be used.

There is a practical difficulty if the application of the term is retained. From amongst which castes the representatives of the depressed classes are to be selected? There is no definition, description of the depressed classes in the Bill. So the Bill does not give any guide as to what is meant by and what castes are included within the term "depressed classes." Nor any reliance can be placed on the accepted meaning or import or extent of the term. The import or extent of the depressed classes varies with different authorities or individuals. The University Commission counted castes within this group to be 21. The Education Department counted them to be 30, among whom there are many who are good and not untouchables. The Provincial Government and the India Government recognise the difficulty of drawing a line between the classes who are and who are not depressed classes. In their memoranda submitted to the Simon Commission, Volume V, page 1340, the India Government write to say: "This information 'supplied by the provincial Governments' will itself indicate the difficulty of arriving at an accurate estimate of so necessarily ill-defined a group as the depressed classes of the community." Later, at page 1353, the India Government quote with approval the view of Mr. (now Sir) Henry Sharp who was the Education Commissioner with the Government of India. Dealing with the depressed class in paragraph 505 of his report, he says: "They (the depressed classes) form the unclean castes whose touch or even whose shadow is pollution. But a wider significance is often attached to the expression so that it includes communities which, though not absolutely outside the pale of caste, are backward and generally poor and despised and also certain classes of Muhammadans. Some have interpreted it as simply educationally-

backward. Here three different significances of the depressed classes are given every one of which differs widely from the other. According to one significance, some classes of Muhammadans are included." The Bengal Government in their memoranda submitted to the Simon Commission write at page 10, paragraph 10, to say: "The term 'depressed classes' has never been defined. It has not quite the same meaning as the backward classes. There is no definition, description or enumeration of what are the depressed classes in the Bill. The Provincial and the India Governments are uncertain and doubtful as to what are the depressed classes. The determination what are the depressed classes, according to local usage and customs varies greatly in different parts of the country. In these circumstances, it is not practicable to make any estimate, approaching any amount of accuracy as to what are the depressed classes and to select representatives from amongst them."

Restriction of the term "depressed classes" to the enumeration of the castes by the Calcutta University Commission will deprive many other castes equally conditioned in educational matter from representation in the Central Committee and from urging their needs. It will be injustice to other castes and will interfere with the classification by the Education Department.

The term "depressed classes" implying as it does, social disability, is not favoured amongst the Hindu society. The Governments are also showing their disinclination to keep the term in use. Some five or six years ago, the Bengal Government, in their rules for the recruitment for the Bengal Civil Service and other Government services indicated their intention to give some special consideration to certain communities and backward classes. To indicate what classes are meant by the term "backward classes" the note as enumerated at page 189 of Part I of the Calcutta University Commission is appended The enumeration is that of the depressed classes which the Government drop substituting it by the term "backward classes" From their conduct the Bengal Government seem to avoid the term where they could The same disinclination to use the term "depressed class" is evident from the following passage at page 1341, Volume V, Memoranda of the India Government to the Simon Commission: "The fluidity of social distinctions and the efforts of the classes lowest in the scale aided by the reformers to improve their status make it the more desirable that Government should abstain from doing anything which would tend to give rigidity to those distinctions."

In their report, Volume II (the recommendation), the Simon Commission in the course of their discussion about the separate electorate for the depressed classes at page 65, go on to say: "Separate electorate would no doubt be the safest method of securing the return of an adequate number of persons who enjoy the confidence of the "depressed classes;" but we are averse to stereotyping the difference between the depressed

classes and the remainder of the Hindus by such a step which we consider would introduce a new and serious bar to their ultimate political amalgamation with others..... A separate electorate of the depressed classes means as a preliminary, a precise definition of all who are covered by the term, and the boundary would be in some cases difficult to draw. It means stigmatizing each individual voter in the list, and militates against the process which is already beginning and which needs to be in every way encouraged, that of helping those who are depressed to rise in the social and economic scale." The retention of the use of the term "depressed class" will do all the evils pointed out by the Simon Commission.

To help them to rise in the social and economic and educational scale is the desire of all right-thinking men and also of the Provincial and Imperial Government as also of the Simon Commission, which consider the term "depressed class" as a stigma and considers its application to them as stereotyping the distinction that at present exists and as a new and serious bar to their ultimate amalgamation. Now, the term "educationally backward classes" remains to be considered. This term bears no social stigma. It points to the low condition in matters of education and progress. The Education Department accepted it as the proper and fit term long ago. The Bengal Government use the term "backward classes" in its place. Both the Education Department and the Bengal Government have concurred, I presume, in framing a list of some 60 castes with a population of about 11·5 millions, the Education Department as educationally backward classes in connection with framing of statistical returns and the Bengal Government as backward classes in the list of the minorities, and backward classes appended to the rules of recruitment for the Bengal Civil Service and other Government services recently published in the *Calcutta Gazette*. The depressed classes as enumerated at page 189 of the report, Part I, of the Calcutta University Commission, are included within the educationally backward classes so the term "educationally backward classes" is fully comprehensive of all the classes and is indicative of the point at issue, also definite both in its import and extent. It bears no stigma and rather makes the way of the classes covered by it towards progress. So, it is in all respects the fittest term to be used in this Bill in place of the term "depressed classes."

Now, a few words for the definition or description. Here education is mainly aimed at and the degree of education of a community as indicated by the percentage of literacy should determine the classification. And 10 per cent. literacy seems to me to be the dividing point as the Education Department and the Bengal Government have already made a list, so, the alternate definition is given for adoption by the Council. With these words I beg to move the amendment.

SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. A. J. Dash): Sir, I beg to oppose the motion.

The motion of Rai Sahib Panchanan Barma was then put and lost.

[At 4-20 p.m., the Council was adjourned for prayer and it reassembled at 4-30 p.m.]

The following motion was called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 2, sub-clause (*12*) shall be omitted.

Mr. A. K. FAZL-UL HUQ: I beg to move that to clause 2 (*14*), the words "and includes education imparted in maktabs and junior madrassabs" be added.

I must admit that the addition of the words "junior madrassahs" really takes this amendment out of the scope of the clause itself. At the time I gave notice of the amendment I overlooked the fact that these junior madrassahs could not be included in the category of primary schools. If, however, the Hon'ble Minister is prepared to accept the suggestion contained in my amendment, I shall confine myself to maktabs only. The reasons for which I move this amendment can be stated very briefly As at present constituted, the committee which is to be constituted under Chapter II of the Bill will consist of a majority of non-Muhammadan members and we are not quite sure that as time goes on the decision of that majority may not be to exclude maktabs from the category of primary schools. I cannot easily overlook the fact that after this Act comes into force the people will not take as much interest to institute and maintain maktabs as they do now, as they would not be willing to have a double set of secular primary schools and maktabs generally for the Muhammadan students. Therefore there is the danger, that unless maktabs are included within the scope of the primary schools, of the maktabs going out of existence altogether. I therefore want as a safeguard that there should be statutory provisions recognising the fact that maktabs are included within primary schools so that in future there may not be any decision by any committee that maktabs should be excluded.

Mr. A. J. DASH: I beg to oppose this amendment. There is a difficulty which, I think, Mr. Fazl-ul Huq has not appreciated. If maktabs reach the standard of education and provide for teaching the subjects prescribed for primary schools they are primary schools, but if they do not reach that standard and do not teach those subjects, they are not primary schools. If Mr. Fazl-ul Huq means that Government and the Board will have no power to rule out inefficient maktabs, then I must oppose the amendment.

The motion of Mr. A. K. Fazl-ul Huq was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Naucher.
Bakeh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Chaudhuri, Maulvi Syed Daman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Habibullah, Nawab Khwaja.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Lal Muhammed, Haji.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Solaiman, Maulvi Muhammad.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Burn, Mr. H. H.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. C. R.
Das, Babu Satyendra Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gordon, Mr. A. D.
Gurner, Mr. C. W.
Haldar, Mr. S. K.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. N. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Ray, Babu Nagendra Narayan.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. J. M.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 27 and the Noes 46 the motion was lost.

4-40 p.m.

The following motions were called but not moved:—

Mr. A. K. FAZL-UL HUQ to move that to clause 2 (*15*), the words "and includes a maktab and a junior madrassah" shall be added.

Babu KISHORI MOHAN CHAUDHURI to move that in clause 2 (*16*), line 3, for the words "School Board" the words "or Municipal Board" shall be substituted.

Mr. S. M. BOSE to move that after clause 2, the following shall be inserted, namely:—

"2A. Every primary school managed by the Board shall be open to children of all castes and creeds."

Mr. PRESIDENT: The question is that clause 2 stand part of the Bill.

The motion was put and agreed to.

Clause 3.

The following motions were called but not moved:—

Babu KISHORI MOHAN CHAUDHURI to move that Chapter II shall be omitted.

Mr. BIJOY PRASAD SINCH ROY to move that for clause 3, the following shall be substituted, namely:—

"3. The duty of carrying out the provisions of this Act shall, subject to the conditions and limitations hereinafter contained, be vested in a Board to be called, "The Primary Education Board of Bengal" and such Board shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue and be sued, with power to acquire and hold property both moveable and immoveable, and, subject to the prescribed conditions to transfer any property held by it and to contract and do all other things necessary for the purposes of this Act."

Mr. BIJOY PRASAD SINCH ROY to move that in clause 3, lines 3 to 5, for the words beginning with "advising" and ending with "Act" the following shall be substituted, namely:—

"Carrying out the provisions of this Act and shall be a body corporate and have perpetual succession and a common seal, and shall by the said name sue, and be sued, with power to acquire and hold property both moveable and immoveable, and subject to the prescribed conditions, to transfer any property held by it and to contract and do all other things necessary for the purposes of this Act."

Mr. NARENDRA KUMAR BASU to move that in clause 3, lines 3 to 5, for the words "advising the Local Government on all matters which may be or are to be referred to it under this Act", the following shall be substituted, namely:—

"carrying out the provisions of the Act."

Mr. SYAMAPROSAD MOOKERJEE to move that in clause 3, lines 3 to 5, for the words beginning with "advising the Local Government" and ending with "this Act," the words "considering and deciding all matters relating to primary education in which a decision is required on the part of the Local Government under this Act" shall be substituted.

Dr. AMULYA RATAN GHOSE to move that in clause 3, lines 3 to 5, for the words "advising the Local Government on all matters which may be or are to be referred to it" the words "performing the duties entrusted to it" shall be substituted.

Mr. S. M. BOSE and Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 3, lines 3 to 5, beginning with "advising the Local Government" and ending with "referred to it" the words "carrying out the functions hereinafter mentioned" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 3 the following shall be substituted, namely:—

"3. A committee to be called the 'Central Primary Education Committee,' shall be constituted for the purpose of carrying out the provisions of this Act as an independent body, as the sole authority on all questions, and decisions on which, by the Committee shall be final, which may be referred to it under this Act. This Committee shall be a corporate body with a common seal and perpetual succession and shall be able to sue or liable to be sued with power to hold property both moveable and immoveable and subject to the prescribed conditions, be able to transfer any property held by it, to contract and do all other things necessary for the purposes of this Act."

Mr. SYAMAPROSAD MOOKERJEE to move that at the end of clause 3 the following shall be added, namely:—

"or for the purpose of making, from time to time, and on its own initiative, such recommendations to Government on any other matter relating to Primary Education as may appear to it to be fit and proper."

Mr. PRESIDENT: The question is that clause 3 stand part of the Bill.

The motion was put and agreed to.

Clause 4.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 4 the following shall be substituted, namely:—

"4. The committee shall consist of twenty-seven members namely:—

(*a*) The Chairman.

(*b*) The Director of Public Instruction (*ex-officio*).

(*c*) Ten members, of whom, two shall be elected in the prescribed manner, from each of the five divisions of the province by the members of the committee, comprised within each division.

(*d*) Two members, to be elected by the two Universities of the province, one for each.

(*e*) Four members to be elected by the elected members of the Bengal Legislative Council, from among themselves.

(*f*) Two members, to be elected by head masters of high English schools and senior madrassas under the new scheme, in the prescribed manner.

(*g*) Three members to be appointed by the Local Government.

(*h*) Four members to be co-opted in the prescribed manner by the persons elected or appointed under the provisions of clause (*c*) to (*g*), immediately after their election or appointment, as the case may be".

Mr. BIJOY PRASAD SINGH ROY to move that for clause 4, the following shall be substituted, namely:—

"4. The committee shall be constituted for two years at a time and shall consist of the following members, namely:—

(*a*) The Vice-Chancellor of the University of Calcutta.

(*b*) The Director of Public Instruction (*ex-officio*).

(*c*) Two members to be elected by the District Inspectors of Schools, among themselves.

(*d*) Ten members to be elected, of whom two shall be elected in the prescribed manner from each of the five divisions of the province, by the teachers of primary schools, among themselves.

(*e*) Ten members, of whom two shall be elected in the prescribed manner, from each of the five divisions of the province by the members of the district boards of each division.

(*f*) Ten members, of whom two shall be elected in the prescribed manner from each of the five divisions of the province, by the Muhammadan graduates of each division.

(*g*) Ten members, of whom two shall be elected in the prescribed manner from each of the five divisions of the province, by the members of the Council, comprised within each such division.

(*h*) One educational expert, one agricultural expert, one industrial expert and one doctor having special knowledge in hygiene, should be co-opted in the prescribed manner by the persons elected or appointed under the provisions of clause (*c*) to (*g*), immediately after their election or appointment as the case may be."

Maulvi ABDUL HAMID SHAH to move that in clause 4 (*1*), line 1, for the word "five" the word "four" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 4 (*1*), line 1, for the word "five" the word "four" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 4 (*1*), line 1, for the words "five years" the words "one year" shall be substituted.

Mr. NARENDRA KUMAR BASU to move that for clauses 4 (*1*) (*a*), (*b*) and (*c*) the following shall be substituted, namely:—

"(*a*) The Minister of Education (*ex-officio*).

(*b*) The Director of Public Instruction (*ex-officio*).

(*c*) Ten members of whom two shall be elected in the prescribed manner from each of the five divisions of the province by the members of the district school boards of each division.

(*d*) Four members to be elected from among themselves by the elected members of the Bengal Legislative Council.

(*e*) Three members to be appointed by the Local Government at least one of whom shall be a representative of the depressed classes.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 4 (*1*) (*b*), the following shall be substituted, namely:—

"(*b*) Ten members of whom two shall be elected in the prescribed manner from each of the five divisions of the province by the members of the Council, comprised within each such division, one to be a Hindu and the other a Muhammadan."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 4 (*1*) (*b*), line 1, for the word "ten" the word "twenty" shall be substituted and for the word "two" the word "four" shall be substituted and in lines 4 and 5 the words "one to be a Muhammadan and the other a Hindu" shall be omitted.

Haji BADI AHMED CHOWDHURY to move that in clause 4 (*b*), line 1, for the word "ten" the word "fifteen" and for the word "two" the word "three" shall be substituted, and in lines 4 and 5 for the words "one to be a Muhammadan and the other a Hindu" the following shall be substituted, namely:—

"One to be a Muhammadan and two to be Hindus for Burdwan and Presidency Divisions, and two to be Muhammadans and one to be a Hindu for Rajshahi, Dacca and Chittagong Divisions."

Mr. SARAT CHANDRA BAL to move that in clause 4 (*1*) (*b*), line 1, for the word "ten" the word "fifteen" shall be substituted, and for the word "two" the word "three" shall be substituted and in line 5 for the words "and the other a Hindu" the words "one a Hindu and the other a depressed class man" shall be substituted.

Rai Bahadur SATISH CHANDRA MUKHARJI, Mr. SHANTI SHEKHARESWAR ROY, Maulvi TAMIZUDDIN KHAN, Mr. SARAT KUMAR RAY and Dr. AMULYA RATAN GHOSE to move that in clause 4 (*1*) (*b*), lines 4 and 5, the words "one to be a Muhammadan and the other a Hindu" shall be omitted.

Mr. S. M. BOSE to move that after clause 4 (*1*) (*b*), the following shall be inserted, namely:—

"(*b1*) one member elected in the prescribed manner from each of the five divisions in the province by the members of the district boards in each division."

Dr. NARESH CHANDRA SEN GUPTA to move that for clause 4 (*1*) (*c*) the following be substituted, namely:—

"(*c*) three members to be co-opted by the committee as constituted under clauses (*a*) and (*b*), who shall be persons possessing expert knowledge in educational matters, one of whom at least shall be a woman.

(*d*) two representatives of the depressed classes to be nominated by the Local Government."

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 4 (*1*) (*c*) the following shall be substituted, namely:—

" (*c*) one member elected by the Calcutta University;

(*d*) one member elected by the Dacca University;

(*e*) two members elected by the elected members of the Bengal Legislative Council;

(*f*) three members to be nominated by the Local Government of whom two shall be representatives of the depressed classes;

(*g*) three members co-opted by the persons elected or appointed under the provisions of clauses (*b*) to (*f*) immediately after their election or appointment as the case may be;

of these three, one shall be an agricultural expert, one shall be an industrial expert, and one shall be a lady having an experience in educational matters.

The committee shall elect its own chairman.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that for clause 4 (*1*) (*c*), the following shall be substituted, namely:—

" (*c*) seven members to be appointed by the Local Government of whom two shall be representatives of depressed classes, two shall be educational experts, one shall be agricultural expert, one shall be industrial expert and one shall be a lady having experience in educational matters."

Mr. S. M. BOSE to move that for clause 4 (*1*) (*c*), the following shall be substituted, namely:—

"(*c*) seven members to be appointed by the Local Government, of whom two shall be representatives of the depressed classes, one shall be an agricultural expert, one shall be a public health expert, and three shall be persons possessing experience in educational matters, of whom one shall be a lady."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 4 (*1*) (*c*), the following shall be substituted, namely:—

" (*c*) six members to be appointed by the Local Government in the following manner:—

(1) An educational expert.

(2) An agricultural expert.

(3) An industrial expert.

(4) A lady having experience in educational matters.

(5) A financial expert.

(6) A doctor with special knowledge in science of hygiene."

Rai Bahadur Dr. HARIDHAN DUTT to move that for clause 4 (*c*), the following shall be substituted, namely:—

"(*c*) one member elected in the prescribed manner from each of the five divisions in the province by the members of the district boards in each division.

(*d*) seven members to be appointed by the Local Government, of whom two shall be representatives of the depressed classes, one shall be an agricultural expert, one shall be a public health expert, and three shall be persons possessing experience in educational matters, of whom one shall be a lady."

Dr. AMULYA RATAN GHOSE to move that in clause 4 (*1*) (*c*), line 1, for the word "five" the word "ten" shall be substituted and to the same clause the following shall be added, namely:—

"and one lady, and four experts in agriculture, public health, physical culture and domestic sciences."

Maulvi ABUL KASEM: I beg to move that in clause 4 (*1*) (*c*), line 1, for the word "five" the word "eight" be substituted.

Mr. A. J. DASH: Sir, I beg to oppose the motion. The composition of the Central Committee was determined in the first Select Committee and Government considered it undesirable to increase the number of members to be appointed by the Local Government. "Five" is considered to be ample for the purpose.

The motion of Maulvi Abul Kasem was then put and lost.

The following motion was called but not moved:—

Haji BADI AHMED CHOWDHURY to move that in clause 4 (*c*), line 1, for the word "five" the word "six" shall be substituted, and in line 2 for the words "two shall be representatives" the words "one shall be the representative" shall be substituted and in line 3, for the word "three" the word "five" shall be substituted and the following words shall be added to the same clause, namely:—

"Of the five members to be appointed by the Local Government three to be Muhammadans and two to be Hindus."

Reverend B. A. NAG: I beg to move that in clause 4 (*1*) (*c*), line 1, for the word "five" the word "six" be substituted, and in line 2 after the words "of whom" the words "one shall be representative of the Indian Christian community" be inserted.

Sir, this is a very simple, a very humble and at the same time a most reasonable amendment. The wording of the clause is—

"five members to be appointed by the Local Government, of whom two shall be representatives of the depressed classes and three shall be persons possessing experience in educational matters."

The effect is that this Central Committee will have at least 5 Muhammadans, 5 Hindus, 2 members of the depressed classes and 3 experts in education, and not even one member of the Christian community. It will be remembered that the Indian Christian community has interested itself in education of all forms, including primary education in Bengal. They have been the pioneers in matters educational. Sir John Simon has acknowledged this fact in his report. I have no doubt that it was owing to a simple oversight that their claim on this occasion has not been considered; and I am sure that the Government members, as soon as the matter is brought to their notice, would be prepared to remove this mistake. Therefore, my humble suggestion is that instead of the word "five," the word "six" shall be substituted and the additional one member shall be a representative of the Indian Christian community. I am sure that I shall have the support of the House in this matter.

Mr. A. J. DASH: Sir, I beg to oppose this amendment. As I stated before, Government are opposed to increasing the number of nominated members, and it will be seen that the requirements of the Indian Christian community can be met under the clause as it is worded —"three shall be persons possessing experience in educational matters." There can be no doubt that representatives from the Indian Christian community can be found who are qualified, under this sub-clause: and, if necessary, Government are prepared to accept the amendment of Maulvi Tamizuddin Khan in a modified form and to remove the restriction contained in the last words of the sub-clause, viz., "and three shall be persons possessing experience in educational matters." That will give an absolutely free hand to the local Government to nominate whomsoever they like, without actually specifying that the Indian Christian community shall have one representative on this body. For this reason I oppose the amendment.

The motion of Reverend B. A. Nag was then put and lost.

The following motion was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 4 (*1*) (c), line 1, for the word " five " the word " two " and in line 2 for the words " two shall be representatives " the words " one shall be the representative " and in line 3, for the words " three shall be persons " words " one shall be a person " shall be substituted.

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 4 (*1*) (*c*), lines 2 to 4, the words "of whom two shall be representatives of the depressed classes and three shall be persons possessing experience in educational matters" be omitted.

Sir, I do not want that there should be no persons representing the depressed classes on the Committee. On the other hand, I think it desirable that they should be there. What I want is that the Government should not be bound hand and foot in this matter, and that if Government think fit to take some members of the depressed classes from amongst the five or one member of the Indian Christian community, it may do so without being fettered by any statutory obligation. As regards the rest Government may appoint such persons as they think fit. I hope, Sir, that my amendment will be accepted.

Mr. A. J. DASH: Sir, I am willing to accept the second part of the mover's amendment, viz., to omit the words "and three shall be persons possessing experience in educational matters." Government cannot accept the first part of the amendment.

4-55 p.m.

Maulvi TAMIZUDDIN KHAN: I submit, Sir, that you may be pleased to allow the amendment to be split up into two distinct parts. That will serve our purpose.

Mr. PRESIDENT: I may do that since it is within my power. But, how would you divide it?

Maulvi TAMIZUDDIN KHAN: I would divide it in this way:

(1) that in clause 4 (*1*) (*c*), lines 2 and 3, the words "of whom two shall be representatives of the depressed classes" shall be omitted; and

(2) that in clause 4 (*1*) (*c*), line 4, the words "three shall be persons possessing experience in educational matters" shall be omitted.

The first part of Maulvi Tamizuddin Khan's motion was then put and lost.

The second part of Maulvi Tamizuddin Khan's motion was then put and agreed to.

The following amendments were called but not moved:—

Mr. SARAT KUMAR ROY to move that in clause 4 (*1*) (*c*), lines 2 and 3, the words "of whom two shall be representatives of the depressed classes and three shall be persons" shall be omitted.

Mr. SARAT CHANDRA BAL to move that in clause 4 (*1*) (*c*), line 2, for the word "two" the word "three" shall be substituted and in line 3 for the word "three" the word "two" shall be substituted.

Mr. PRESIDENT: Here I might tell the House that my attention has just been drawn to a correspondence which Mr. Sarat Chandra Bal, a member of this House, thought fit to send to a newspaper of this city, in which Mr. Bal has stated that he and other members of the depressed classes failed to catch my eyes on several occasions in this House. Need I point out to him that such an act on the part of a member of this House is highly objectionable, and I take the strongest possible exception to it.

Mr. SARAT CHANDRA BAL: I am very sorry, Sir.

Mr. PRESIDENT: As the decision on the amendment of Maulvi Tamizuddin Khan covers the next amendment standing in the name of Khan Sahib Maulvi Bazlul Huq, I think it falls through.

The following amendment, accordingly, fell through:—

Khan Sahib Maulvi BAZLUL HUQ to move that in clause 4 (*c*), lines 2 and 3, for the words "two shall be representatives of the depressed classes" the words "one shall be a representative of the depressed classes, one shall be a representative of the Muhammadan cultivating class" shall be substituted.

The following amendment was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 4 (*1*) (*c*), line 2, for the words "two shall be representatives" the words "one shall be a representative" shall be substituted; and in line 3, for the words "three shall be persons" the word "one shall be a person" shall be substituted, and after the same clause the following shall be inserted, namely:—

(*i*) One educational expert to be nominated by the Local Government.

(*ii*) One agricultural expert to be nominated by the Local Government.

(*iii*) One industrial expert to be nominated by the Local Government.

(*d*) Ten Muhammadans, of whom two shall be elected in the prescribed manner from each of the five divisions of the province by the members of the district boards of each division.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that in clause 4 (*1*) (*c*), line 2, after the words "representatives of" the words "and belonging to" be inserted.

Sir, my reason is very clear. If some representation is going to be given to the depressed classes, I suggest that such representation should be genuine. We know from our past experience that unless the representatives actually come from the depressed classes, they are of practically no use to us; and in order to avoid this sort of representation I have brought forward this amendment for acceptance by the House.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, there is a difficulty in accepting this amendment, otherwise I would have no objection to it. Just a while ago, Rai Sahib Panchanan Barma suggested that the expression "depressed classes" should be changed to "educationally backward classes." Now if he puts down the "depressed classes" under the category of "educationally backward classes," I do not think that it will be desirable to accept this amendment. I would, therefore, request the hon'ble mover to withdraw the amendment.

The motion of Mr. Mukunda Behary Mullick was then, by leave of the Council, withdrawn.

The following motion was not moved as it was covered by the foregoing decision of the Council:—

Rai Sahib PANCHANAN BARMA to move that in clause 4 (*1*) (*c*), line 3, for the words "depressed classes" the words "educationally backward classes" shall be substituted.

The following motions were called but not moved:—

Maulvi ABDUL HAMID SHAH to move that in clause 4 (*1*) (*c*), lines 3 and 4, for the words "three shall be persons possessing experience in educational matters" the following shall be substituted, namely:—

"one shall be an educational expert, one shall be an agricultural expert and one shall be an industrial expert."

Maulvi TAMIZUDDIN KHAN to move that in clause 4 (*1*) (*c*), lines 3 and 4, for the words "three shall be persons possessing experience in educational matters" the words "two shall be Muhammadans and one shall be a person possessing experience in educational matters" shall be substituted.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that after clause 4 (*1*) (*c*) the following shall be inserted, namely:—

"(*d*) three members to be appointed by the Local Government from persons paying at least Rs. 1,000 annually as education cess directly to the Treasury,

(*e*) two members to be appointed by the Local Government from persons paying at least Rs. 500 annually as education cess indirectly to the Treasury,

(*f*) one member to be elected from the Calcutta University,

(*g*) one member to be elected from the Dacca University,

(*h*) two members to be elected by the teachers of high English schools; and

(*i*) three members to be elected from amongst the elected members of the Bengal Legislative Council."

Mr. BIJOY PRASAD SINGH ROY to move that after clause 4 (*1*) (*c*) the following shall be inserted, namely:—

"(*d*) the chairmen of the district boards,

(*e*) five representatives of the five divisions to be elected members of the local and the central legislatures of the province;

(*f*) two members from the two universities of the province, one from each.

(*g*) two members to be elected by head masters of high English schools and senior madrassas."

Mr. BIJOY PRASAD SINGH ROY to move that after clause 4 (*1*) (*c*) the following shall be inserted, namely:—

"(*d*) one member to be elected by the Calcutta University.

(*e*) one member to be elected by the Dacca University.

(*f*) four members to be elected by the elected members of the Bengal Legislative Council from amongst themselves.

(*g*) five members to be elected by head masters of the high English schools and senior madrassas, one for each division."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that after clause 4 (*1*) (*c*) the following shall be inserted, namely:—

"(*d*) four members to be elected by the elected members of the Bengal Legislative Council from amongst themselves.

(*e*) two members to be elected by the head masters of high English schools."

Maulvi ABDUL HAMID SHAH to move that after clause 4 (*1*) the following shall be added, namely:—

"(*d*) two members shall be elected by the elected members of the Bengal Legislative Council, one to be a Muhammadan and the other a Hindu,

(*e*) one member shall be elected by the chairmen of the district boards of the province."

Haji BADI AHMED CHOWDHURY to move that after clause 4 (*c*) the following proviso shall be added, namely:—

"Provided that the Local Government in making such appointments shall secure that as far as possible 60 per cent. of the non-European members of the committee shall be Muhammadans."

Mr. BIJOY PRASAD SINCH ROY to move that in clause 4 (*2*), line 1, for the words "Local Government" the words "Central Committee" shall be substituted.

Mr. BIJOY PRASAD SINCH ROY to move that in clause 4 (*2*), line 1, for the words "Local Government" the words "The Hon'ble Minister in consultation with the Local District School Board concerned" shall be substituted.

Mr. BIJOY PRASAD SINCH ROY to move that in clause 4 (*2*), line 1, for the words "Local Government" the words "Central Committee under the direction of the Hon'ble Minister in charge" shall be substituted.

Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 4 (*2*) for the word, brackets and letter "clause (*b*)" the words, brackets and letters "clauses (*b*) and (*c*)" shall be substituted.

Mr. S. M. BOSE to move that in clause 4 (*2*), line 2, for the word, brackets and letter "clause (*b*)" the words, brackets, letters and figure "clauses (*b*) and (*bb*)" shall be substituted.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that after clause 4 (*2*) the following new sub-clauses shall be inserted, namely:—

"(*3*) The Committee shall elect its own Chairman and Vice-Chairman and appoint one Secretary who shall be a whole-time salaried officer:

Provided that the Chairman shall be appointed by the Local Government from a panel of three persons selected by the Committee in the prescribed manner at the first meeting of the Committee for the first five years at which not less than two-thirds of the members are present, and after that period the Chairman shall be elected.

(*l*) The names of the Chairman, Vice-Chairman and the members of the Committee shall be published in the *Calcutta Gazette* immediately after the election and appointment."

Mr. PRESIDENT: The question is that clause 4, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

The following motions were called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that after clause 4, the following be inserted, namely:—

"4A. (*1*) The Committee shall elect a Chairman from among themselves, who shall preside at meetings of the Committee.

(2) The Local Government shall appoint a Secretary to the Committee who shall be Chief Executive Officer of the Committee and shall receive such remuneration as the Local Government thinks fit."

Maulvi ABDUL HAMID SHAH to move that after clause 4, the following shall be inserted, namely:—

"4A. The Director of Public Instruction, Bengal, shall be appointed the Chairman of the Committee for the first two terms of four years.

4B. After the expiration of the second term of four years, the Chairman shall be elected in the prescribed manner by the members of the Committee.

4C. The Committee shall appoint a Secretary, who shall be a whole-time officer and be paid such salary, not exceeding Rs. 1,500 per month, as may be fixed by the Committee with the approval of the Local Government. He shall have such powers and duties as may from time to time be assigned to him by the Committee.

4D. The names of the Chairman and members of the Committee shall be published in the *Calcutta Gazette* immediately after their appointment and election."

Clause 5.

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI to move that for clause 5 the following shall be substituted, namely:—

"5. Subject to the provisions of this Act the Committee shall be the sole determining and controlling authority in all matters relating to primary education and its powers and duties shall comprise the following, namely:— 'Duties of the Committee.

(*a*) examining from time to time the existing facilities for primary education in every district or part thereof with a view to determine the number of schools required to make adequate provision for making primary education available to every child; laying down of the general policy and sanctioning and preparing where necessary of schemes for the progressive development and comprehensive organisation of primary education in every district; sanctioning estimate of the cost of such schemes; securing the execution of such schemes through the Boards;

(*b*) framing or sanctioning schemes for securing the attendance of all children at such schools;

(*c*) determining from time to time the standard and curriculum for the training of teachers of primary schools;

(*d*) settling from time to time the qualifications and conditions upon which persons will be recognised as certificated teachers qualified for staffing or teaching in primary schools;

(*e*) determining or approving the general terms and conditions for granting to such teachers their salaries, allowances, annuities, grants and leave;

(*f*) determining or approving the standard curriculum and text books for primary schools and laying down a general scheme for testing the progress of children attending primary schools and providing for the grant to such children of school leaving certificate or other testimonials or tokens of their attainments;

(*g*) supervising and co-ordinating the work of the boards, union boards in connection with primary education;

(*h*) reporting and furnishing returns in such forms as may be required by the Local Government regarding the primary schools, their equipments, grants-in-aid, pupils, inspecting staff and such other matters as may from time to time be required by the Local Government;

(*i*) doing all such other acts, matters or things as may be incidental to, necessary or expedient for, carrying into effect the purposes of this Act and generally providing for the progressive development and comprehensive organisation of primary education so as to make it universal, free and compulsory within ten years from the date or dates from which the provisions of Chapter IV shall come into force in any area."

Maulvi ABDUL HAMID SHAH to move that for clause 5 the following shall be substituted, namely:—

"5. Whenever any matter, relating to Primary Education, requires any action to be taken on the part of the Government, such action shall be taken in accordance with the decision of the Central Primary Education Committee."

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 5, lines 2 to 5, for the words beginning with "for its opinion" and ending with "under section 65" the following be substituted, namely:—

"and it shall be the duty of the Committee—

(*a*) to examine from time to time the existing facilities for primary education in every district and the progress made in each district in the work of providing an adequate number of schools in the district, and from time to time to make, revise or alter schemes for the progressive development and comprehensive organisation of primary education all over the province;

(*b*) to supervise and co-ordinate the work of the District School Boards with a view to the introduction of free and compulsory primary education throughout the province in the course of seven years;

(*c*) to determine and approve the standard, curriculum and the text-books for primary schools which shall be adhered to by all Boards; and

(*d*) to examine the budgets prepared by each Board and to regulate and determine the amount to be granted to each Board out of the total grant made by the Local Government for primary education."

Rai Bahadur Dr. HARIDHAN DUTT and Mr. S. M. BOSE to move that in clause 5, line 3, after the word and figures "section 22" the word, figures and brackets "section 39 (*2*)" shall be inserted.

Mr. S. M. BOSE and Rai Bahadur Dr. HARIDHAN DUTT to move that to clause 5, the following shall be added, namely:—

"and in the matter of the distribution of grants for rural primary education from the provincial revenues to District School Boards."

Dr. AMULYA RATAN GHOSE to move that to clause 5, the words "and the Committee's recommendations thereon shall be accepted" shall be added.

Mr. SYAMAPROSAD MOOKERJEE to move that to clause 5 the following shall be added, namely:—

"The Board may also of its own accord, from time to time, make recommendations to the Local Government on any matter relating to Primary Education."

Mr. PRESIDENT: The question is that clause 5 stand part of the Bill.

The motion was put and agreed to.

5-10 p.m.

Maulvi ABDUL KARIM: I beg to move that after clause 5 the following clause be inserted, namely:—

"5A. A central committee of educational experts, of whom one-third shall be officials and two-thirds non-officials, shall be constituted to prescribe the syllabus of studies for primary schools under this Act: Provided that the Local Government shall have power to dissolve or reconstitute this committee, if necessary."

The most important question in connection with this Bill is—"What is going to be taught?" No indication of this has been given in the Bill. Presumably what has been taught since the introduction of primary education in Bengal will be taught in primary schools under this Act. This, I am afraid, will not serve the purpose for which compulsory education is so urgently required in this province. The sponsors of the Bill do not seem to have given much thought to this important matter, otherwise they would have said something about it. The success of any scheme of compulsory primary education, to my mind, depends, to a great extent, upon the judicious selection of the required course of studies.

The present system of primary education has been in operation for over half a century. Has it proved suitable to the requirements of those for whom it was intended? Has it made the agriculturists

better agriculturists or the artisans, efficient artisans? I am afraid the answer to this query will have to be given in the negative. On the contrary, it has proved detrimental to their interests in as much as it has created in them a distaste for manual labour and for their hereditary callings and mode of living. They do not care to improve agriculture or handicrafts, anxious as they are to follow occupations of an unproductive nature in imitation of the *bhadralogs*. They hate to earn their livelihood by manual labour and know nothing else by which they can earn an honest living. Thus they are not only unemployed but also unemployable, and they help to accelerate rather than retard the decadence of indigenous arts and industries and thereby aggravate the economic distress prevailing in the country. This is the reason why as I found in the course of my tours while in service, in some places the people far from showing an inclination to improve the schools, were eager for their abolition In a certain place I was told that *Hari loot* would be offered on the day on which the local school would be abolished. Does not all this unmistakably indicate the necessity of change in the system? How is this to be done? This I am afraid cannot be left to the department that has not so long cared to do the needful. On the contrary, the department seems to be too much wedded to the old system to think of any change. The syllabus lately prepared for the middle schools bears testimony to this. A veteran educationist, now retired from Government service, one day called upon me with the new history syllabus for middle schools and pointed out to me how ridiculous it was in some respects. I was told that opinions were called for and when these were received an officer of the department, perhaps the Principal of the Training college sat with a pair of scissors in his hand and cut portions of opinions given by different persons and patched them together and thus was the syllabus prepared. If this information is correct, as I believe it is, a most responsible work could not have been more irresponsibly done.

In this connection I should not omit to draw the attention of the hon'ble members to the special requirements of my co-religionists. After careful enquiry the Education Commission of 1882 came to the conclusion that in the case of Mussalman children the teaching of the mosque invariably preceded the lessons of the school. When I took charge of the post of Assistant Inspector of Schools for Muhammadan Education in Eastern Bengal in 1890 I found to my surprise that the number of Mussalman children receiving primary education was very small. Not that there were not schools, but what was taught in them was not recognised by the department. They were called private Quoran schools. I repeatedly pointed out to the Government that unless and until religious and secular education, the education given in the mosque and the education given in the school, was combined in one and the same seminary the number of Mussalman children receiving

education recognised by the department would not rise. A maktab course was accordingly devised and the number of Mussalman pupils rapidly increased. I am not certain what will become of the maktabs when this Act will come into force. Unfortunately funds are not available for the maintenance of one set of schools and it is impossible to maintain a duplicate set, the patshalas and the maktabs. So such a course of studies will have to be devised as will meet the special requirements of the Mussalmans. I understand difficulty in this respect has arisen in Delhi where primary education has been made compulsory in the municipal area.

I think parallel courses of studies will have to be prescribed for schools in rural and urban areas, for schools attended by the masses and the classes and for schools intended for the education of the agriculturists and the artisans. In certain cases some sort of bifurcation at some stage might be necessary. All these things have to be very carefully considered by a small committee of experts. As I have said this should not be left to the department that has not done anything in the desired direction all this time. This important work should be entrusted to wellknown educationists like the author of "Tutakahini." Dr Robindranath Tagore, who has severely criticised and caricatured the products of the prevailing system of education. Let them devise a system that will produce men and not parrots. I need hardly say that the little education the masses will receive in the most impressionable stage of life, will greatly influence them for good and for evil throughout their whole career. In fact their aims, their aspirations, their mentality and outlook of life will be moulded and guided by what will be instilled into their minds in their childhood.

One other thing that has to be borne in mind in this connection is that so long the people taught their children what they liked. In future they will be compelled to teach a prescribed course. This course must be suited to their special requirements. Besides the matter to be taught, the method of teaching and the machinery by which it is to be taught require very careful consideration. In these circumstances I hope and trust my amendment will be accepted.

Mr. A. J. DASH: Sir, I beg to oppose this amendment. The function of the committee proposed by the mover of this amendment is to prescribe a syllabus of studies. A preliminary difficulty at once arises by the use of the word "prescribe" which has a particular meaning under clause 2 (*13*). It means that the Local Government prescribe by rules made under the Act. Another difficulty is that primary education is defined in clause 2 (*14*) as education in such subjects and up to such standards as may be prescribed, that is to say, it is regulated by the Local Government after consulting the Central Committee. It is considered by Government quite undesirable

that the power of final decision in the matter of syllabus should reside in any committee such as is proposed by the mover, and the reason for this decision is that the proposed committee cannot only deal with the question of syllabus from the expert point of view. Its function is bound to be political and to some extent religious, in this way that it will have to prescribe a syllabus for maktabs; it will have to prescribe for instance, if clause 63 is passed, courses for religious instruction. I submit it is quite undesirable and almost impossible to constitute a committee which would be competent to dispose finally of all these intricate and delicate questions. They are not, in fact, questions for expert educationists only. The committee, I hope I have been able to explain, is not at all necessary. Government can get all the expert advice on particular questions of syllabus and courses of study whenever they require it. They should not be restricted by any statutory obligation to create a particular committee in the manner proposed by the mover of this amendment.

The motion of Maulvi Abdul Karim was then put and lost.

The following motions were called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that after clause 5 the following be inserted, namely:—

"5A (*1*) As soon as may be after the Central Primary Education Committee is constituted under this Act, the Committee shall examine the existing facilities for primary education in each district and also the resources for the further expansion of such facilities which may be available in each district after this Act comes into force, and prepare a statement indicating general lines of progress which may be necessary for making primary education free and compulsory throughout the province in the course of seven years.

(*2*) The Secretary to the Committee shall send a copy of such statement to every Board and require each Board to furnish to the Committee a full programme of work for seven years on the general lines laid down in the statement for providing adequate facilities for primary education throughout the district, and each Board shall prepare and submit such programme.

(*3*) The Committee shall examine the programme framed by the Board and if in their judgment the programmes framed by the Boards are adequate they shall adopt them. If in the opinion of the Committee the programme framed by any Board is not adequate, the Committee may, after such communication with the Board concerned as it deems necessary, amend or alter the programme in order to make it adequate for the purpose of making primary education free and compulsory in the district concerned within seven years.

(4) The Committee shall thereafter prepare a detailed statement showing the number and type of schools to be started every year in each district and the areas in which such schools are to be started.

(5) It shall be the duty of every Board to follow the programme for its district as embodied in the statement prepared by the Committee unless for sufficient reason a departure from the programme becomes necessary and is approved by the Committee.

(6) The Committee shall, from time to time, examine the progress made by the various Boards and, for this purpose, may direct local inspection by the Secretary, and where in the opinion of the committee the Board has signally failed to follow the programme without sufficient reason, the Committee may recommend to the Local Government that action may be taken against the defaulting Board under section 21 or section 22 as the Committee thinks fit."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that after clause 5 the following shall be inserted, namely:—

"5A. There shall be a fund called the Bengal Primary Education Central Fund consisting of— Bengal Primary Education Central Fund.

(a) all contributions made by the Local Government and in particular—

(i) all grants made by the Local Government after the commencement of this Act for meeting the cost of Inspecting Staff employed by the Committee dealing solely with primary education and for meeting the recurring and non-recurring costs of schools or other organisation under the control of the Committee for the training of teachers;

(ii) all other grants recurring or non-recurring made from time to time by the Local Government for or in connection with primary education in rural areas in the province;

(b) income from endowments or other properties or assets owned or managed by the Committee under this Act and voluntary contributions made by individuals, charitable bodies or institutions or otherwise;

(c) all other sums of money which may be received by the Committee under or for the purposes of this Act.

Bengal Primary Education Central Fund to vest in the Committee.

5B. The Bengal Primary Education Central Fund shall vest in the Committee and be under its control and shall be held by it in trust for the purposes of this Act and in accordance with the provisions of this Act and the rules made thereunder.

Receipts to be paid into the Imperial Bank of India.

5C. All monies payable to the credit of the Bengal Primary Education Central Fund shall be paid in to the Imperial Bank of India.

Budget of the Committee.

5D. The Committee shall each year prepare a budget estimate for its income and expenditure for the ensuing financial year in the prescribed form and in the prescribed manner and shall submit the same to the Local Government on or before the 30th day of November.

Control of Budget by Local Government.

5E. The Local Government may either approve of the Budget estimate or may cause it to be returned to the Committee with such suggestions for modifications as the Local Government may think necessary, and a revised Budget estimate shall be resubmitted by the Committee to the Local Government for approval.

Reports to be made by the Committee.

5F. The Committee shall annually submit a report to the Local Government of the progress of the primary education within its jurisdiction covering the activities of the Committee and Boards during the financial year preceding together with a statement of income and expenditure in the prescribed form and manner and the Local Government shall publish it in the *Calcutta Gazette* with its remarks thereon.

Supersession of the Committee.

5G. (*1*) If at any time it appear to the Local Government that a Committee is not competent to perform or persistently makes default in the performance of the duties imposed upon it by or under this Act or exceeds or abuses its power the Local Government may, after holding a public inquiry by an order in writing, remove all elected and appointed members of the committee and direct that the vacancies shall thereupon be filled by election in respect of the elected members, by appointment in respect of the appointed members.

(*2*) All vacancies caused by an order under sub-section (*1*) shall be filled within two months from the date of such order and until the vacancies are filled—

(*a*) the powers and duties of the committee shall be exercised and performed by, and

(*b*) all properties vested in the committee shall vest in such person in such manner as the Local Government may direct."

Clause 6.

The following amendments were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 6, the following shall be substituted, namely:—

"6. When this section comes into force in any district, the Local Government shall establish for such district, a District School Board, consisting of the following members, namely:—

(*a*) The Chairman, and the Vice-Chairman of the District Board, *ex-officio*.

(*b*) The District Inspector of Schools, *ex-officio*.

(*c*) The District Health Officer, *ex-officio*.

(*d*) As many members as there are subdivisions in the district to be elected in the prescribed manner by the members of the District Board:

Provided that the number in no case shall be less than two.

(*e*) One member from each subdivision to be elected in the prescribed manner by the members of the Union Board, Union Committees and Panchayats, within the subdivision from amongst the members of such Union Boards, Union Committees and Panchayats:

Provided that the number shall in no case be less than two.

(*f*) As many members as there are subdivisions in the district to be appointed by the Local Government:

Provided that the number shall in no case be less than two and that these shall be persons having experience in educational matters.

(*g*) One teacher of a Primary School to be appointed by the Local Government, on the recommendation of the Board, for the first term of four years by the teachers of Primary Schools.

(*h*) Two members to be elected in the prescribed manner from among themselves by the Head Masters of High English Schools and Senior Madrasahs within the district.

(*i*) One lady, having experience in educational matters, to be appointed by the Local Government on the recommendation of the Central Committee.

(*j*) Two members of the inspecting staff of the district to be appointed by the Local Government on the recommendation of the Central Committee.

(*k*) Two persons to be elected in the prescribed manner by such persons as pay an annual primary education cess of five hundred rupees or upwards from among themselves.

(*l*) Two persons to be elected in the prescribed manner by such persons as pay a primary education tax on trade, business or profession of an amount of one hundred rupees or upwards."

Mr. NARENDRA KUMAR BASU to move that for clauses 6 (*a*) to (*i*) the following shall be substituted, namely:—

"(*a*) The Chairman of the District Board (*ex-officio*).

(*b*) The Vice-Chairman of the District Board (*ex-officio*).

(*c*) The District Inspector of Schools (*ex-officio*).

(*d*) The District Health Officer (*ex-officio*).

(*e*) One member elected by each Local Board in the district.

(*f*) Two teachers of Primary Schools in the district to be elected from among themselves.

(*g*) Two members from each subdivision to be elected by the members of the Union Boards, Union Committees and Panchayats within the Subdivision from amongst the members of such Union Boards, Committees and Panchayats, and

(*h*) Five members to be nominated by the Local Government."

Mr. BIJOY PRASAD SINGH ROY, Rai Bahadur SATISH CHANDRA MUKHARJI and Mr. SYAMAPROSAD MOOKERJEE to move that clause 6 (*a*) shall be omitted.

Mr. S. M. BOSE, Maulvi ABDUL HAMID SHAH, Dr. AMULYA RATAN GHOSE and Rai Bahadur Dr. HARIDHAN DUTT to move that in the proviso to clause 6 (*a*), line 1, for the words "two terms" the words "one term" shall be substituted.

5-25 p.m.

Maulvi ABUL KASEM: I beg to move that clause 6 (*b*) be omitted.

A reference to clause 6 (*b*) will show that it is intended that Subdivisional Magistrates should also be included as members of District School Boards in addition to the District Magistrates. I think District Magistrates should be sufficient, and I also think that subdivisional officers are not wanted and will not be useful. On the other hand if the number of members to be elected by union boards be increased

it would be more advantageous; whatever assistance the District School Boards may require they may get from the Chairmen of the Local Boards as well as Chairmen and Vice-Chairmen of District Boards and representatives of union boards. Therefore the presence of Subdivisional Magistrates on the District School Boards would be superfluous. So I have moved that clause 6 (*b*) be omitted.

Mr. A. J. DASH: I beg to opopse this amendment. The constitution of the District School Boards has been determined by Government in the particular way set forth in clause 6, with the object of obtaining, at any rate, I think, for the first eight years of the working of the Act, the best administrative skill and experience possible. The agency through which a great deal of the work of the Act will be carried out will be Union Boards and Panchayats. For that reason Government have proposed subdivisional officers as members of the District School Boards. As the House is aware, subdivisional officers have very close control over Union Boards through the circle officers and it is expected that by their membership they will help to make the Act work efficiently and expedite the date when a proper system of rural primary education will extend from one end of the province to the other. For this reason I oppose the motion to eliminate subdivisional officers from the District School Boards.

The motion of Maulvi Abul Kasem was then put and lost.

The following motions were called but not moved:—

Mr. S. M. BOSE and Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 6 (*b*) for the words "Subdivisional Magistrates" the words "District Health Officer" shall be substituted.

Mr. SYAMAPROSAD MOOKERJEE to move that after clause 6 (*c*) the following shall be inserted, namely:—

"(*cI*) the District Health Officer."

Mr. MUKUNDA BEHARY MULLICK and Dr. NARESH CHANDRA SEN GUPTA to move that clause 6 (*d*) shall be omitted.

Maulvi ABDUL HAMID SHAH to move that for clause 6 (*d*), the following shall be substituted, namely:—

"(*d*) one member from each subdivision to be elected in the prescribed manner by the members of the Local Boards."

Mr. MUKUNDA BEHARY MULLICK: I beg to move that in clause 6 (*e*), line 1, the words "and the Vice-Chairman" be omitted.

My reason, Sir, is that when the Chairman of the District Board will be on the District School Board I fail to see any reason why the Vice-Chairman should also be there. If the District School Boards require any assistance from the Union or the District Boards on the spot the Chairman of the District Board will be quite sufficient for the purpose and the inclusion of the Vice-Chairman along with the Chairman is redundant. I, therefore, beg to commend my amendment for the acceptance of the House.

Mr. A. J. DASH: I beg to oppose this motion. Vice-Chairmen were placed on the District School Boards by the first Select Committee and Government have no difficulty in accepting their recommendation. As stated before, it is very necessary to get all the administrative experience possible on District School Boards. At present District Boards administer primary education and it is not difficult to understand that the Vice-Chairman will have valuable administrative experience, which should be placed at the disposal of the new District School Boards.

The motion of Mr. Mukunda Behary Mullick was then put and lost.

The following amendments were called but not moved:—

Maulvi TAMIZUDDIN KHAN to move that after clause 6 (*c*) the following shall be inserted, namely:—

(*cc*) the member of the Bengal Legislative Council representing the rural areas of the district, ex-officio.

Babu SATISH CHANDRA RAY CHOWDHURY to move that clause 6 (*f*) shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 6 (*g*), line 1, for the words "one member," the words "three members" shall be inserted.

Haji BADI AMHED CHOWDHURY: I beg to move that in clause 6 (*g*), line 1, for the words "one member for each subdivision," the words "two members for each subdivision" be substituted.

He spoke in Bengali, the English translation of which is as follows:—

"Sir, I consider that the number of members to be elected for the District Primary Education Board by the Union Boards and Panchayet Committees under sub-clause (*g*) of clause 6 of this Bill to be quite inadequate. One member only is to be elected by these Boards and this is very insufficient. Because it will be the Union Boards that will look after the proper administration of this Bill in the rural areas, and I think that the Union Boards should have the privilege of

sending more than one representative only. So I propose that each subdivision should be able to send at least two representatives from the Union Boards. The Hon'ble Minister gave me an undertaking to accept my motion, so I hope that this amendment will be warmly supported by all."

Mr. A. J. DASH: I beg to oppose this amendment. The proportion of members to be nominated, to be elected by Union Boards and by District Boards was settled in the first select committee and their decision was that an equal number of persons from each of these three sources should become members of District School Boards. Unless very good reason is shown I should hesitate to recommend the House to deviate from the proposals which are now in the Bill. Union Boards are at present not very advanced in all cases and perhaps it is undesirable, at the outset anyhow, to give them a larger representation. If larger representation is given them, it will mean that the influence of District Boards which are at present administering primary education will, under the new School Boards, diminish, and it will also diminish the influence of the members nominated by Government in the administration of primary education under the District School Boards. I would therefore ask the mover of this amendment not to press it but to accept the decision of the first select committee and of Government that there should be only one member elected by Union Boards for each subdivision.

The motion of Haji Badi Ahmed Chowdhury was then put and lost.

The following motion was called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 6 (*g*), for the word "Panchayats" in both the places where it occurs, the words "village school Board" shall be substituted.

Mr. SARAT CHANDRA BAL: I beg to move formally that in clause 6 (*g*), lines 4 to 6, the words "from amongst the members of such union boards, union committees and panchayats" be omitted.

Mr. A. J. DASH: I have no objection to accept this amendment on behalf of Government.

The motion of Mr. Sarat Chandra Bal was then put and agreed to.

Mr. MUKUNDA BEHARY MULLICK: Sir, I beg to move that after clause 6 (*g*), the following be inserted, namely:—

"(*gg*) one member from each subdivision to be appointed by the Local Government in consultation with the Association, if any, representative of and belonging to the depressed classes."

My idea is that when there is going to be representatives of various officials and non-officials on the District School Boards I think that

some provision with regard to the representation of the depressed classes should also be made. Sir, I find however that there is a provision under clause 6 (*h*) that the Government retains to itself the power of nominating members from each subdivision and if the idea is, that the representative of the depressed classes so far as the District School Boards are concerned, are intended to be included in that sub-clause, then I admit that my amendment is of no practical use. But it that sub-clause does not mean that and the Government cannot nominate members of the depressed classes under that sub-clause then I beg to commend my amendment for the acceptance of the House.

Mr. A. J. DASH: I beg to oppose this amendment on the ground, first, that the discretion of the Local Government should in no way be limited. There are certain minor difficulties in the wording of the amendment that has been proposed. The difficulties will arise from the fact that the mover words his amendment "one member from each subdivision." It will be noted that in the original clause the wording is "as many members as there are subdivisions" and it was not intended in the Bill to limit the Local Government in nominating one member from each subdivision but only to limit the number of members to be nominated by the Local Government, and I submit that the amendment should not limit the Local Government in that particular way. A further difficulty arises and this is that in certain subdivisions there may be no depressed classes or no sufficient number of educationally backward classes who deserve the particular representation that is proposed. On the other hand there may be other interests or classes who have a greater claim on the nomination of the Local Government. But, as I said above, the chief ground of objection is that the Local Government should be given unfettered power of nomination according to their discretion to rectify any particular difficulty that cannot now be foreseen but which may arise.

The motion of Mr. Mukunda Behary Mullick was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that clause 6 (*h*) shall be omitted.

Maulvi ABDUL HAMID SHAH to move that for clause 6 (*h*), the following shall be substituted, namely:—

> " (*h*) three educational experts or persons interested in education, living within the district, to be appointed by the Local Government, one agricultural or industrial expert or persons having large agricultural or industrial concerns in the district."

Dr. NARESH CHANDRA SEN GUPTA to move that for clause 6 (*h*), the following be substituted, namely:—

"(*h*) four persons to be nominated by the Local Government who shall be persons having expert knowledge of general, technical or agricultural education."

Maulvi ABDUL HAMID SHAH to move that the proviso to clause 6 (*h*) shall be omitted.

Maulvi MUHAMMAD HOSSAIN to move that in the proviso to clause 6 (*h*), line 2, after the word "two," the following words shall be inserted, namely:—

"and at least one of them should be a member of the Bengal Legislative Council representing any part of the district if not elected otherwise."

Mr. SYAMAPROSAD MOOKERJEE to move that to the proviso to clause 6 (*h*) after the word "two," the following shall be inserted, namely:—

"these shall, whenever possible, be persons having experience in educational matters."

Rai Sahib PANCHANAN BARMA to move that to clause 6 (*h*), the following proviso shall be inserted, namely:—

"Provided also that the Local Government in appointing members under this clause shall take into consideration the claims of the 'educationally backward classes' in the subdivision."

5-40 p.m.

Dr. AMULYA RATAN GHOSE to move that in clause 6 (*i*), line 1, for the words "one teacher," the words "two teachers" shall be substituted.

Maulvi ABDUL HAMID SHAH and Rai Sahib PANCHANAN BARMA to move that in clause 6 (*i*), line 1, after the word "school," the words "for each subdivision" shall be inserted.

Rai Sahib PANCHANAN BARMA to move that to clause 6 (*i*), the following shall be added, namely:—

"Provided that the number shall in no case be less than two."

Haji BADI AHMED CHOWDHURY to move that to clause 6, the following proviso shall be added, namely:—

"Provided that of the appointments referred to in clauses (*h*) and (*i*) at least 60 per cent. of the members shall be appointed from amongst the Muhammadans."

Babu SATISH CHANDRA RAY CHOWDHURY to move that after clause 6 (*i*), the following shall be inserted, namely:—

"(*j*) two members to be elected in the prescribed manner from among themselves by the head masters of high English schools within the district.

(*k*) one lady having experience in educational matters to be appointed by the Local Government.

(*l*) one person to be elected in the prescribed manner by such persons as pay an annual primary education cess of five hundred rupees or upwards from among themselves

(*m*) one person to be elected in the prescribed manner by such persons as pay a primary education tax on trade, business or profession under section 34 of an amount of one hundred rupees."

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that to clause 6, the following be added, namely:—

"(*j*) one member to be the person who pays the highest amount of primary education cess in the treasury of the district.

(*k*) three members of the Bengal Legislative Council to be appointed by the Local Government.

(*l*) two members to be appointed by the Local Government from persons paying at least one thousand rupees annually as primary education cess."

Mr. BIJOY PRASAD SINGH ROY to move that to clause 6, the following shall be added, namely:—

"(*j*) one person to be elected, in the prescribed manner, by such persons as pay an annual primary education cess of five hundred rupees or upwards from among themselves.

(*k*) one person to be elected in the prescribed manner by such persons as pay a primary education tax on trade, business or profession of an amount of one hundred rupees and upwards."

Mr. BIJOY PRASAD SINGH ROY to move that to clause 6, the following shall be added, namely:—

"(*j*) one teacher of a primary school to be appointed by the local Government on the recommendations of the Central Committee.

(*k*) two members to be elected in the prescribed manner from among themselves by the headmaster of high English schools and senior madrassas.

(*l*) one member of the inspecting staff of the district to be elected by the teachers of primary schools of the district."

Mr. BIJOY PRASAD SINGH ROY to move that to clause 6, the following shall be added, namely:—

"(*j*) A doctor having special knowledge in science of hygiene.

(*k*) An educational expert.

(*l*) An industrial expert.

The last three members to be appointed by the Local Government on the recommendations of the Central Committee."

Mr. BIJOY PRASAD SINGH ROY to move that to clause 6, the following shall be added, namely:—

"(*j*) one Muhammadan member from each subdivision to be elected in the prescribed manner by the Muhammadan population of the Union Boards, Union Committees and Panchayats within the subdivision."

Mr. SYAMAPROSAD MOOKERJEE to move that after clause 6 (*i*), the following shall be inserted, namely:—

"(*j*) two members to be elected in the prescribed manner from among themselves by the head masters of high English schools and senior madrassas under the new scheme within the district."

Maulvi ABDUL HAKIM: I beg to move that after clause 6 (*i*), the following be added, namely:—

"(*j*) one member expert in agriculture and industry to be elected in the prescribed manner by the district board."

Sir, Bengal is the most fertile province of India; its soil is more fertile than that of the United States of America, Egypt or Japan. Yet an illiterate cultivator of Bengal cannot produce as much crop as a literate cultivator of any of these countries produces in the same quantity of comparatively less fertile land. And this is largely due

to his illiteracy and more so to his want of education in the art of agriculture. Our home industry also has in a manner disappeared from our unfortunate country for a long time. Pecuniary distress has already reached its maximum not only in Bengal but also everywhere in India. And I think it is high time for Government to educate the cultivators in agricultural and industrial matters also, as far as possible, so that they may learn the art of agriculture and industry to a considerable extent like the educated cultivators of America and other civilised countries. If the cultivators can acquire knowledge in those arts, it is sure that they will be able to ameliorate their condition and to save themselves to a great extent from imminent ruin and destruction. A person sufficiently learned in the said arts will be able to advise the school board regarding the education of the children in these important arts. I therefore hope that all the members of this House will consider my amendment and have it carried unanimously.

Khan Bahadur Maulvi AZIZUL HAQUE: I oppose the amendment. It seems to me that the language of this amendment is rather vague. After all in every District Board there are members who may be called experts in agriculture and the mover wants that for that reason that they should have a seat on the School Board The language conveys the idea that one such member has to be nominated to the School Board, but I think it is an almost impracticable proposition and therefore I must oppose it.

Mr. A. J. DASH: I oppose the amendment. There is no particular reason why the District Board should elect an extra member to the District School Board. They already have that power under sub-clause (*f*) and they can if they like elect an agricultural expert. As a matter of fact I also believe that the term "expert" is rather vague and sometimes meaningless and may create difficulties if this term is used and District Boards are given the power of electing one extra member to the District School Board.

The motion of Maulvi Abdul Hakim was then put and lost.

The following motions were called but not moved:—

Dr. AMULYA RATAN GHOSE to move that after clause 6 (*i*), the following shall be inserted, namely:—

"(*j*) one expert in agriculture, one in public health and one in physical education."

Rai Bahadur Dr. HARIDHAN DUTT and Mr. S. M. BOSE to move that after clause 6 (*i*), the following shall be added, namely:—

"(*j*) and one lady to be appointed by the Local Government."

Mr. PRESIDENT: The question is that clause 6, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

As the member did not move his earlier amendments the following motion fell through:—

Babu KISHORI MOHAN CHAUDHURI to move that necessary consequential amendments be made in Chapter III of the Bill.

Clause 7.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 7, lines 1 and 2 for the words "Local Government" the words "Central Committee" shall be substituted.

Maulvi ABDUL HAKIM to move that in clause 7 (*i*), line 2, for the word, brackets and letter "clause (*f*)" the word, brackets and letters "clauses (*f*) and (*j*)" be substituted.

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 7 for the word "Panchayats" wherever it occurs the words "Village School Boards" shall be substituted.

Babu SATISH CHANDRA RAY CHOWDHURY to move that after clause 7 (*iii*) the following shall be inserted, namely:—

"(*iv*) head masters of high English schools do not elect the members referred to in clause (*j*) of section 6.

(*v*) the persons paying primary education cess and primary education tax do not elect the members referred to in clauses (*l*) and (*m*) of section 6."

Mr. SYAMAPROSAD MOOKERJEE to move that after clause 7 (*iii*) the following shall be inserted, namely:—

"(*iv*) the head masters of high English schools and senior Madrassas under the new scheme do not elect the members referred to in clause (*j*) of section 6."

Mr. PRESIDENT: The question is that clause 7 stand part of the Bill.

The motion was put and agreed to.

Clause 8.

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI to move that for clause 8 the following shall be substituted, namely:—

sident Vice-sident.

"8 (*1*) Until the expiration of one term of four years mentioned in sub-section (*2*) of section 10 after establishment of the Board the Chairman of the District Board shall be the President of the Board and thereafter the President shall be a member of the Board elected in that behalf by the Board in the prescribed manner and approved by the Committee.

(*2*) The Board shall from time to time elect for such period as it thinks fit, one of its members to be the Vice-President."

Mr. SYAMAPROSAD MOOKERJEE to move that clause 8 (*1*) shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 8 (*1*) the following shall be substituted, namely:—

"(*1*) Until the expiration of one term of four years as mentioned in sub-section (*2*) of section 10 of the first establishment of the Board the Chairman of the District Board shall be the President of the District School Board and thereafter the President shall be a member of the Board elected on that behalf by the Board in the prescribed manner and approved by the Central Committee."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 8 (*1*), line 1, for the words "There shall be a President of the Board, who" the words "The Chairman of the District Board shall be President of the District School Board, who" shall be substituted.

Maulvi TAMIZUDDIN KHAN, Maulvi ABDUL HAMID SHAH, Mr. S. M. BOSE, Rai Bahadur Dr. HARIDHAN DUTT, Dr. AMULYA RATAN GHOSE, Mr. SYAMAPROSAD MOOKERJEE and Dr. NARESH CHANDRA SEN GUPTA to move that in clause 8 (*1*), line 2 for the words "two terms of four years" the words "one term of four years" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 8 (*2*) the following shall be substituted, namely:—

"(*2*) The Board may from time to time elect, for such period as it thinks fit, one of its members to be the Vice-President; he being a Muhammadan if the President be a Hindu and *vice versa*."

Rai Bahadur KESHAB CHANDRA BANARJI to move that after clause 8 (*2*) the following be added, namely:—

"(*3*) that the President of the District School Board appointed by the Local Government shall be a retired Educationist or the Chairman of the District Board, as the case may be."

Mr. PRESIDENT: The question is that clause 8 stand part of the Bill.

The motion was put and agreed to.

Clause 9.

Mr. PRESIDENT: The question is that clause 9 stand part of the Bill.

The motion was put and agreed to.

Clause 10.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 10 (*2*), lines 2 and 3, for the words "four years" the words "three years" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 10 (*2*), lines 2 and 3, for the words "four years" the words "two years" shall be substituted.

Mr. PRESIDENT: The question is that clause 10 stand part of the Bill.

The motion was put and agreed to.

Clause 11.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 11 the following shall be substituted, namely:—

"11. (*1*) The Local Government may at the instance of the Board by notification remove a President, Vice-President, or a member of the Board if he—

(*a*) becomes incapable to act as a member of the Board; or

(*b*) is declared insolvent; or

(*c*) has been or is convicted of any such offence; or

(*d*) has been or is subject by Criminal Court to any such order as in the opinion of the Board implies a defect of character involving moral turpitude which unfits him to become or to continue to be a President, Vice-President, or a member of the Board;

(*e*) without excuse sufficient in the opinion of the Board is absent for more than six consecutive meetings of the Board.

(*2*) The Local Government may at the instance of the Board fix a period during which any person so removed shall not be eligible for re-election or re-appointment."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 11 (*1*), line 1, for the words "The Local Government" the words "The Central Committee" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 11 (*1*), line 1, after the words "The Local Government" the words "at the instance of the Central Committee" shall be added.

Maulvi ABDUL HAMID SHAH to move that in clause 11 (*c*), line 1, after the word "offence" the words "as involves moral turpitude" shall be inserted.

Dr. AMULYA RATAN GHOSE, Rai Bahadur Dr. HARIDHAN DUTT and Mr. S. M. BOSE to move that in clause 11 (*1*) (*c*), lines 3 and 4, for the words "Local Government" the word "Committee" shall be substituted.

Rai Bahadur Dr. HARIDHAN DUTT and Mr. S. M. BOSE to move that in clause 11 (*1*) (*c*), line 4, after the word "character" the words "involving moral turpitude" shall be inserted.

Dr. AMULYA RATAN GHOSE to move that in clause 11 (*1*) (*d*), lines 1 and 2, for the words "Local Government" the word "Committee" shall be substituted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that clause 11 (*2*) shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 11 (*2*), line 1, for the words "The Local Government" the words "The Central Committee" shall be substituted.

Mr. PRESIDENT: The question is that clause 11 stand part of the Bill.

The motion was put and agreed to.

Clauses 12 to 15.

Mr. PRESIDENT: The question is that clauses 12, 13, 14 and 15 stand part of the Bill.

The motion was put and agreed to.

Clause 16.

The following motion was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 16, lines 2 and 3, the words "the public generally or" shall be omitted.

Mr. PRESIDENT: The question is that clause 16 stand part of the Bill.

The motion was put and agreed to.

Clause 17.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that clause 17 shall be omitted.

Mr. SYAMAPROSAD MOOKERJEE to move that in clause 17, last line, after the words "he has" the words "in the opinion of the Board a personal" shall be inserted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 17, line 4, before the word "pecuniary" the word "personal" shall be inserted and the words "in the opinion of the Council" shall be added at the end.

Mr. PRESIDENT: The question is that clause 17 stand part of the Bill.

The motion was put and agreed to.

5-55 p.m.

Clause 18.

The following amendments were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that clause 18 (*2*) shall be omitted.

Mr. SYAMAPROSAD MOOKERJEE that in clause 18 (*3*), line 1, after the word "Vice-President" the words "or the District Educational Officer" shall be inserted and in the last line after the word "Vice-President" the words "or the District Educational Officer as the case may be" shall be inserted.

Dr. NARESH CHANDRA SEN GUPTA to move that to clause 18, after sub-clause (*4*) the following be added, namely:—

"(*5*) The Local Government may, at any time, on the recommendation of the Committee provide by notification that the President of any Board shall be entitled to such salary or allowance as the Local Government thinks fit."

Mr. PRESIDENT: The question is that clause 18 stand part of the Bill.

The motion was put and agreed to.

Clause 19.

The following motion was called but not moved:—

Mr. SARAT KUMAR ROY to move that in clause 19 (*1*) the word "and" at the end of sub-clause (*vii*) shall be omitted and the following sub-clause shall be inserted after that sub-clause, namely:—

"(*viia*) the improvement of the method of teaching on the lines now followed in European and American Primary Schools with a view to foster the development of the power of observation and of thinking in the pupils; and"

Mr. PRESIDENT: The question is that clause 19 stand part of the Bill.

The motion was put and agreed to.

Clause 20.

The following motions were called but not moved:—

Maulvi MUHAMMAD HOSSAIN to move that clause 20 shall be omitted.

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 20 the following shall be substituted, namely:—

"20. When the Local Government is of opinion that any resolution, order or action of the Board is in excess of the powers conferred on it by this Act, it shall draw the attention of the Board to such resolution, order or action, and after ascertaining the views of the Board, the Local Government, unless its opinion is altered on receipt of such views, shall refer the matter to the Advocate-General of Bengal for opinion. The Local Government shall then direct the Board to take necessary action in accordance with the opinion of the Advocate-General and the Board shall comply with such directions."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 20 the following shall be substituted, namely:—

"20. The District School Board may by order in writing suspend the execution of any resolution or order of the Central Committee and prohibit the doing and completion of any act which is about to be done or is being done in pursuance of or under cover of this Act, if, in its

opinion the resolution, order or act is in excess of the powers conferred by the law, subject, however, to a revisional power to be exercised by the Local Government after due and proper inquiry."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 20, line 1, for the words "the Commissioner of the Division" the words "The Central Committee" shall be substituted and in line 3 for the words "within his jurisdiction" the words "within the division" shall be substituted and in line 6 for the words "in his opinion" the words "in its opinion" shall be substituted.

Babu SATISH CHANDRA RAY CHOWDHURY to move that in clause 20, line 1, for the words "Commissioner of the Division" the words "Local Government" shall be substituted and for the word "his" whenever it occurs the word "its" shall be substituted.

Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 20, line 1, for the words "Commissioner of the Division" the words "Local Government after consulting the Committee" shall be substituted.

Mr. NARENDRA KUMAR BASU to move that in clause 20, line 1, for the words "The Commissioner of the Division" the words "The Central Primary Education Committee" shall be substituted.

Babu JATINDRA NATH BASU and Mr. S. M. BOSE to move that in clause 20, line 1, for the words "Commissioner of the Division" the words "Local Government after consulting the Committee" shall be substituted; and in line 3, the words "situate within his jurisdiction" shall be omitted; and in line 5, the words "within such jurisdiction" shall be omitted; and in line 6, for the word "his" the word "its" shall be substituted.

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 20, line 1, for the words "Commissioner of the Division" the words "Director of Public Instruction" shall be substituted and in line 3, the words "situate within his jurisdiction" and in line 5, the words "within such jurisdiction" shall be omitted; and, at the end of the clause the following be added; namely:—

"The Director of Public Instruction shall forthwith communicate his order to the Committee who may, after considering such representation as the Board concerned may make, confirm, set aside or amend the order of the Director of Public Instruction and the decision of the Committee shall be final."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 20, line 1, after the word "Commissioner of the Division" the words "or the Committee" shall be inserted.

Maulvi ABDUL HAMID SHAH to move that in clause 20, line 1, after the word "may" the words "on the recommendation of the Central Primary Education Committee" shall be inserted.

Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 20, line 3, the words "situate within his jurisdiction" shall be omitted.

Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 20, line 5, the words "within such jurisdiction" shall be omitted.

Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 20, line 6, for the word "his" the word "its" shall be substituted.

Dr. AMULYA RATAN GHOSE to move that to clause 20, the following shall be added, namely:—

"but an appeal shall lie from such order to the Local Government."

Mr. PRESIDENT: The question is that clause 20 stand part of the Bill.

The motion was put and agreed to.

Clause 21.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 21 (*1*) the following shall be substituted, namely:—

"21. (*1*) If at any time it appears to the Central Committee that a Board or its President has made default in performing any duty imposed by or under this Act, the Local Government may, on the recommendation of the Central Committee, fix a period by an order in writing, for the performance of such duty."

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 21 (*1*), lines 1 and 2 for the words "if at any time it appears to the Local Government" the following words shall be substituted, namely:—

"If, at any time, the Local Government is satisfied upon the report of the Committee."

Mr. NARENDRA KUMAR BASU to move that in clause 21 (*1*) for the words "the Local Government" in the two places where they occur, the words "the Central Primary Education Committee" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 21 (*1*), for the words " Local Government " in the two places where they occur, the words " Central Committee " shall be substituted.

Maulvi ABDUL HAMID SHAH to move that in clause 21 (*1*), line 4, after the word " may " the words " on the recommendation of the Central Primary Education Committee " shall be inserted.

Mr. NARENDRA KUMAR BASU to move that in clause 21 (*2*), line 2, for the words " the Local Government " the words " the Central Primary Education Committee " shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 21 (*2*), line 2, for the words " Local Government " the words " Central Committee " shall be substituted.

Maulvi ABDUL HAMID SHAH to move that in clause 21 (*2*), line 2, after the word " may " the words " on the recommendation of the Central Primary Education Committee " shall be inserted.

Mr. NARENDRA KUMAR BASU to move that in clause 21 (*3*), for the words " the Local Government " in the two places where they occur, the words " the Central Primary Education Committee " shall be substituted.

Mr. PRESIDENT: The question is that clause 21 stand part of the Bill.

The motion was put and agreed to.

Clause 22.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 22 (*1*) the following shall be inserted, namely:—

" (*1*) If at any time the Local Government is satisfied that a Board is not carrying out its duties properly or considers that the policy of the Board is such as seriously to prejudice the educational interests under its care, it may draw attention of the Board to the matter specifying the grounds on which the Local Government is so satisfied and after obtaining and considering the views of the Board thereupon, it may by notification order the reconstitution of the Board by a date to be fixed in the notification, and thereupon the Board shall be reconstituted in accordance with the provisions of this Act, and the existing members of the Board, appointed and elected, shall from the date to be specified in such notifications, cease to be members of the

Board, and all powers and duties of the Board shall be exercised and performed by, and all property vested in the Board shall vest in the constituted Board:

Provided that the Local Government shall in such case present to the Bengal Legislative Council at its next following session for its consideration and discussion a full statement of the reasons for such order along with the papers, showing in detail the matter or matters in respect of which the Local Government and Board are in disagreement."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 22 the following shall be substituted, namely:—

"22. If at any time it appears to the Central Committee that a District School Board is not competent to perform or persistently makes default in the performance of, the duties upon it by or under this or any other act or exceeds or abuses its powers, the Central Committee may, after a public inquiry recommend to the Local Government that all the elected and appointed members of the Council be removed.

The Local Government if it accepts the recommendation shall, by an order in writing, remove all elected or appointed members of such Council and direct that the vacancies shall thereupon be filled by election in respect of elected members and by appointment in respect of appointed members."

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 22 (*1*), line 1, for the words "it appears" the words, "the Committee reports" shall be substituted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 22, lines 1 and 2, after the words "Local Government" the words "after consultation with the Committee" shall be inserted.

Maulvi ABDUL HAMID SHAH to move that in clause 22 (*1*), line 5, after the word "may" the words "on the recommendation of the Central Primary Education Committee" shall be inserted.

Maulvi ABDUL HAMID SHAH to move that in clause 22 (*1*), lines 10 and 11, the words "or that all the vacancies shall be filled by appointment" shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 22 (*2*) (*b*) after the word "vest" the words "in consultation with the Central Committee" shall be inserted.

Mr. NARENDRA KUMAR BASU to move that in clause 22 (*2*), lines 6 and 7, for the words "such person, in such manner, as the Local Government may direct" the following shall be substituted, namely:—

"the Central Primary Education Committee."

Mr. PRESIDENT: The question is that clause 22 stand part of the Bill.

The motion was put and agreed to.

Clause 23.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 23 (*1*) (*b*), line 1, after the words "and to prepare" the words "in the manner prescribed by the board" shall be inserted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 23 (*1*) (*c*), the following shall be substituted, namely:—

"(*c*) to prepare schemes from time to time for the progressive and comprehensive organisation of primary education within the area under the jurisdiction of the board; to prepare estimates of the same and to execute the same after the sanction of the scheme and estimates by the Central Committee."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 23 (*1*) (*c*), line 1, after the word "schemes" the words "progressive and comprehensive" shall be inserted and at the end of the words "subject to the approval of the Central Committee" shall be added.

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 23, for the words "panchayat" and "panchayats" wherever they occur, the words "village school board" and "village school boards" respectively, shall be substituted.

Rai Bahadur SATISH CHANDRA MUKHARJI and Mr. BIJOY PRASAD SINGH ROY to move that to clause 23 (*1*) (*d*), the following shall be added, namely:—

"or closing down unnecessary schools and consolidating or uniting two or more schools."

Rai Sahib PANCHANAN BARMA to move that after clause 23 (*1*) (*d*), the following shall be inserted, namely:—

"(*dI*) to arrange for establishing primary schools first in backward localities."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 23 (*1*) (*f*), line 3, after the word "panchayats" the words "all buildings for" shall be added.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 23 (*1*) (*g*), the following shall be substituted, namely:—

"(*g*) Subject to the prescribed conditions sanctioned by the Central Committee to appoint and fix and pay the salaries of teachers and other members of the establishment and to draw up for the approval of the Central Committee terms and conditions of leave, allowances and annuities of teachers and other members of the staff."

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 23 (*1*) (*g*), the following shall be substituted, namely:—

"(*g*) to draw up for the approval of the Government the general terms and conditions of appointment and grant of salaries, annuities, allowances, and leave to teachers and other members of the establishment appointed by the Board;

(*gg*) (*i*) to appoint and pay the salaries of,

(*ii*) to grant pensions and gratuities to,

(*iii*) to form and manage a provident or annuity fund for,

(*iv*) to compel contribution to such fund from, and

(*v*) to supplement such contribution of the establishment and the teachers appointed by the Board."

Mr. BIJOY PRASAD SINGH ROY to move that to clause 23 (*1*) (*g*), the following shall be added, namely:—

"and to draw up for the approval of the Central Committee the general terms and conditions of appointment and grant of annuities, allowances, leave to teachers and other members of the establishment."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 23 (*1*) (*g*), the words "under public management or appointed by the Board" shall be added.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 23 (*1*) (*h*), line 1, before the words "to grant" the words "to register and" shall be inserted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 23 (*1*) (*l*), lines 1 and 2, after the words "the Director of Public Instruction" the words "through the Central Committee" shall be inserted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 23 (*1*) (*l*), after the words "Director of Public Instruction" the words "or to the Committee" shall be inserted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that at the end of clause 23 (*1*) (*m*), the words "or by the Committee" shall be added.

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 23 (*1*) (*n*) the following shall be substituted, namely:—

"(*n*) to prepare schemes for the compulsory attendance of children in schools and to give effect to them after approval by Local Government;

(*o*) to arrange in the prescribed manner for enforcing compulsory attendance of children in schools under the provisions of the Act;

(*p*) to enforce within its jurisdiction the provisions of this Act and rules and regulations made thereunder;

(*q*) to prepare and submit to the Government such returns, statements and reports as may from time to time be required by it;

(*r*) to make proposals to the Government from time to time regarding the standard, curriculum of studies and text-books for primary schools in the district;

(*s*) to make with the previous sanction of the Board rules and regulations for the management and conduct of primary schools within its jurisdiction; and

(*t*) to do all other acts, matters or things incidental to, necessary or expedient for, the proper discharge of the duties imposed upon it."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that after clause 23 (*1*) (*n*) the following shall be inserted, namely:—

"(*o*) to prepare schemes for the compulsory attendance of children in schools and to give effect to them after approval by the Committee and the local Government;

(*p*) to arrange in the prescribed manner for enforcing compulsory attendance of children in schools under the provisions of the Act;

(*q*) to enforce within its jurisdiction the provisions of this Act and rules and regulations made thereunder;

(*r*) to prepare and submit to the Committee such returns, statements, and reports as may from time to time be required by it;

(*s*) to make proposals to the Committee from time to time regarding the standard, curriculum of studies and text-books for primary schools in the district."

Dr. NARESH CHANDRA SEN GUPTA to move that at the end of clause 23, the following be added, namely:—

"(*3*) For carrying on its duties under this Act every Board shall have the power, subject to prescribed conditions and with the previous sanction of the Local Government, to raise a loan by means of debentures, promissory notes, bills of exchange or otherwise and to hypothecate any of its property and assets including any future income for the payment of such loan."

Mr. PRESIDENT: The question is that clause 23 stand part of the Bill.

The motion was put and agreed to.

Clause 24.

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clauses 24 (*i*) and (*ii*), lines 1 and 2, after the words "Director of Public Instruction" the words "and the Committee" shall be inserted.

Mr. NARENDRA KUMAR BASU to move that in clauses 24 (*i*) and (*ii*) for the words "Director of Public Instruction" and "he" respectively the words "the Central Primary Education Committee" and "it" shall be substituted.

Mr. PRESIDENT: The question is that clause 24 stand part of the Bill.

The motion was put and agreed to.

Clause 25.

The following motions were called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 25, line 2, after the words "Director of Public Instruction" the words "or the Committee" shall be inserted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 25, line 2, after the words "Director of Public Instruction" the words "through the Central Committee" shall be inserted.

Mr. PRESIDENT: The question is that clause 25 stand part of the Bill.

The motion was put and agreed to.

The following motion was called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that after clause 25 the following shall be inserted, namely:—

"25A. (*1*) Each Board shall appoint a district educational officer who shall be a whole-time officer of the Board and shall receive such salary and allowances as may be determined by the Board within the limit fixed by the Local Government in this behalf.

(*2*) Subject to the control and direction of the Board the district educational officer shall act as its principal executive officer with such general powers and duties as may from time to time be prescribed by the Board and such other duties as may from time to time be assigned to him by the Board."

Clause 26.

The following motion was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that to clause 26 (*1*) the words "subject to the approval of the Central Committee" shall be added.

Mr. PRESIDENT: The question is that clause 26 stand part of the Bill.

The motion was put and agreed to.

Clause 27.

Mr. PRESIDENT: The question is that clause 27 stand part of the Bill.

The motion was put and agreed to.

Clause 28.

The following motion was called but not moved:—

Maulvi ABDUL HAMID SHAH to move that in the proviso to clause 28, line 4, after the word "referred" the words "through the Central Primary Education Committee" shall be inserted.

Mr. PRESIDENT: The question is that clause 28 stand part of the Bill.

The motion was put and agreed to.

Clause 29.

The following motion was called but not moved:—

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that clause 29 shall be omitted.

As sanction was refused to the member's original motion the following motion fell through:—

Babu KISHORI MOHAN CHAUDHURI to move that necessary consequential amendments be made in the other clauses of the Bill.

The following motion was called but not moved:—

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that after clause 29 (*1*), the following proviso shall be inserted, namely:—

"Provided that the provisions of this chapter shall not come into force in any area unless a scheme for making primary education free and compulsory in that area within the period of three years from the proposed date of enforcement of this chapter has been previously sanctioned."

Maulvi TAMIZUDDIN KHAN: Sir, I beg to move that after clause 29 (*1*), the following proviso be inserted, namely—

"Provided that the provisions of this chapter shall not come into force in any area, unless a scheme for making primary education compulsory in that area under the provisions of Chapter IX within the period of three years from the proposed date of enforcement of this chapter has been previously sanctioned."

I think, Sir, that the period of three years should be sufficient within which Government ought to be able to see that primary education is made compulsory in an area where the cess is levied. Sir, I have therefore tabled this motion in that view and I think it will be adopted.

Mr. A. J. DASH: Sir, I beg to oppose this amendment, and I would request the mover not to press it. He says that a period of three years is sufficient time within which it should be possible for Government to provide facilities for primary education which would justify compulsion being introduced in a district. Unfortunately the resources available to the Department of Public Instruction are not such as to enable Government to provide facilities for the extension of primary education within a period of three years. It would be impossible to give effect to this proviso with the resources available; and it will mean that the whole operation of the Act will be negatived, if this proviso is accepted by the Council.

The motion of Maulvi Tamizuddin Khan was then put and lost.

The following motion was called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 29 (*2*), in line 1, after the words "The Primary Education Cess" the word "ordinarily" shall be inserted.

6-10 p.m.

Mr. I. A. CLARK: I beg to move that in clause 29 (*2*), line 1, after the word "levied" the words "at the rate of three and a half pice on each rupee of annual net profits from mines and quarries and" be inserted and in line 3 the words "mines, quarries" be omitted.

Sir, the effect of this amendment, if the Hon'ble Minister will see his way to accept it, will be to lighten the burden which this Bill seeks to impose upon the Coal Industry, to a limited extent. The constituency which I have the honour to represent in this House, the Indian Mining Association, is in full sympathy with the principle of free primary education. It is only when we come to the manner in which it is proposed in this Bill to raise the necessary funds that we cannot see eye to eye with the Hon'ble Minister. Our first objection is that the provisions of this clause take the form of a provincial tax on income.

We consider that this is rather a dangerous principle, and I should like to point out that the provisions even of this Bill bring about an inequality, and it is this. This Bill refers only to the province of Bengal. There are a larger number of collieries in the neighbouring province of Bihar and Orissa than in this province and they will pay no education cess. I simply point this out in order to convince the Government that provincial taxes on income lead to inequalities.

My second objection, a more serious one, is that this clause seeks to single out for taxation, the interests which I represent, merely because it so happens that in the Indian Cess Act the same industry was singled out. I do not want to press this point, but I would like to make it clear that, so far as the coal industry is concerned, we shall fight with all the means in our power against any future legislation which may single out our industry for taxation without imposing such taxation on others. Primary education is a national cause and every industry should contribute to it according to its capacity to pay. However, as I have said, we have decided not to press this point on this occasion.

My third objection is that the tax proposed is too heavy for the coal industry to bear in the condition in which it now finds itself. I do not wish to take up the time of the House. I would just like to let the House know what the facts are. During the war a large part of our coal was commandeered by Government and we did not get the price which we should otherwise have got. There was a brief period of prosperity after that, but it was during that period that the Government of India imposed restrictions on the export of coal to foreign countries. The result of that was that we lost a large part of our trade, and the very severe depression through which the trade went after this short period of prosperity was largely due to these restrictions on export. Now, Sir, we find ourselves in a slightly better position than we were a year ago. Prices have risen slightly and they are just sufficient for certain collieries which have Selected Grade coal, which can be worked cheaply, to make a moderate profit, but there are many other collieries which are still struggling for existence. I submit, therefore, that a tax of 3½ pice in the rupee is as much as the industry which I represent can be expected to pay in addition to the income-tax at one anna seven pies which it now pays to the Government of India and the Road and Public Works Cess which it pays at one anna in the rupee. I appeal, therefore, to the Hon'ble Minister to accept my amendment.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Although the two Select Committees decided that the cess should be 5 pice on mines and quarries, but after going further into the question and after receiving a deputation from the Mining Association and the Mining Federation, I have come to the conclusion that it would be reasonable and fair if the amendment proposed is accepted. I, therefore, accept the amendment.

The motion of Mr. I. A. Clark was then put and agreed to.

The following motions were called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA, Rai Bahadur SATISH CHANDRA MUKHARJI, Mr. BIJOY PRASAD SINGH ROY, Mr. SYAMAPROSAD MOOKERJEE, Dr. AMULYA RATAN GHOSE, Babu SATYENDRA NATH ROY, and Babu SUK LAL NAG to move that in clause 29 (2), line 2, for the words "five pice" the words "four pice" shall be substituted.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, and Mr. NARENDRA KUMAR BASU to move that in clause 29 (2), line 2, for the word "five" the word "three" shall be substituted.

Babu SUK LAL NAG to move that in clause 29 (2), line 2, for the words "annual value" the word "revenue" shall be substituted.

Maharaja SRIS CHANDRA NANDY and Mr. S. M. BOSE to move that in clause 29 (2), line 3, the words "mines, quarries" shall be omitted.

Babu SUK LAL NAG to move that to clause 29 (2), the following be added namely:—

"and on every rupee of the income-tax payable under the Indian Income-tax Act, 1922 (XI of 1922)."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that to clause 29 (2), the following proviso shall be added, namely:—

"Provided that it shall be lawful for the Local Government to levy primary education cess at a lower rate than the rate provided in this section but not lower than two pice on each rupee if the Local Government is satisfied that in any district the full cess is not required to make primary education compulsory. In such cases the minimum tax shall be paid half and half between the landlord and tenant or in such other way as the Local Government may think fit and proper."

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that to clause 29, the following proviso be added, namely:—

"Provided that no primary education cess shall be levied in any district or part of a district under this section unless the District Primary Education Fund of the district concerned has shown in the preceding financial year an income credited to the fund under section 36, which in the opinion of the Local Government is not less than the estimated amount of the primary education cess of the district or any part thereof as the case may be."

Mr. PRESIDENT: The question is that clause 29, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 30.

The following motions were called but not moved:—

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that clauses 30, 31, 32, 33 and 35 shall be omitted.

Babu SATISH CHANDRA RAY CHOWDHURY to move that for clause 30, the following shall be substituted, namely:—

"30 (*1*) Except as otherwise provided in this Act the primary education cess shall be paid to the union board or the Panchayet within the jurisdiction of which the land, the mines, the quarries, the tramways, railways and the immovable property mentioned in section 24, clause (*2*) is situated and the union board or the Panchayet concerned shall collect the tax as if it were the union rate or the chowkidari rate.

(*2*) Every cultivating raiyat shall pay to the union board or the Panchayet concerned seven-tenths of the said primary education cess calculated at the rate provided in sub-section (*2*) of section 29 upon the rent payable by him or upon the annual value as ascertained under the provisions of the Cess Act, 1880, of the land held by him.

(*3*) Every holder of a tenure shall pay yearly three-tenths of the said primary education cess calculated at the rate provided in sub-section (*2*) of section 29 upon the rent received by him from the cultivating raiyat or upon the annual value as ascertained under the provisions of the Cess Act, 1880, of the land held by him in khas, less a deduction to be calculated at one and a half pice for every rupee of the rent payable by him for such tenure.

(*4*) Every holder of an estate shall pay yearly three-tenths of the said primary education cess calculated at the rate provided in sub-section (*2*) of section 29 upon the rent received by him from tenure-holder or cultivating raiyats or on the annual value as ascertained under the provisions of the Cess Act, 1880, of the land held by him in khas, less a deduction to be calculated at one and a half pice for every rupee of the revenue entered in the valuation roll of such estate as payable in respect thereof."

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that for sub-clauses (*2*), (*3*) and (*4*) of clause 30, the following shall be substituted, namely:—

"(*2*) Every holder of estate or tenure shall pay direct to the Collector one-fourth of the entire amount of the primary education cess

calculated on the annual value of the lands comprised in such estate or tenure at the rate provided in sub-section (*2*) of section 29.

(*3*) Every cultivating raiyat shall pay three-fourth of the entire amount of the said primary education cess as provided in sub-section (*2*) of section 29 to the union boards or Panchayats (like the chowkidari rate or the union rate) and who in their turn, shall remit the cess so realised to the District Magistrate after deducting 10 per cent. thereof to defray the cost of collection."

Mr. SARAT KUMAR ROY to move that for clause 30 (*2*), the following shall be substituted, namely:—

" (*2*) Every holder of an estate shall yearly pay to the Collector his share of primary education cess calculated at the rate of one pice for every rupee of the annual value of the lands comprised in such estate less a deduction to be calculated at one and a half pice for every rupee of the revenue entered in the valuation roll of such estate as payable in respect thereof."

Babu SUK LAL NAG to move that in clause 30 (*2*), line 3, for the words "annual value" the word "revenue" shall be substituted.

Maulvi TAMIZUDDIN KHAN and Mr. MUKUNDA BEHARY MULLICK to move that in clause 30 (*2*), line 5, for the words "one and a half pice" the words "three pice" shall be substituted.

Maulvi ABDUS SAMAD: Sir, before I move my amendment No. 345, may I ask your permission to move amendments Nos. 361 and 386, along with the present one, as they all relate to the subject of fixing the ratio in which this tax would be paid by the tenants?

Mr. PRESIDENT: I think you had better move them separately, and should confine yourself at present to amendment No. 345.

Maulvi ABDUS SAMAD: I beg to move that in clause 30 (*2*), line 5, for the words "one and a half pice" the words "two and a half pice" be substituted.

In this Bill the amount of tax has been proposed to be assessed at 5 pice in the rupee. We have no dispute about that. The question is in what proportion this is to be apportioned between landlords and tenants, and the present Bill provides that the tenant has to pay 3½ pice and the landlord 1½ pice. In my opinion the tenant's share has been rather disproportionate. This Bill we all know passed through Select Committee twice and, if I remember aright, the majority of the members

of the Select Committee recommended that the tenant was to pay 2 pice and the landlord 3 pice. Now, in this Bill if it were provided that the tenant was to pay 3 pice and the landlord 2 pice, there might have been some justification to support the provisions of this Bill, but instead of that the Bill provides 1½ pice for the landlord and 3½ pice for the tenant. I submit, Sir, that the tenant is not in a position to pay this amount of tax. He has already, on account of the introduction of the union boards, to pay union rates, the road and public works cess, and in addition to these, this education cess is going to be levied upon him. Sir, as their representatives we all wanted that compulsory primary education should be introduced, but we do not know whether in actual operation of the Bill it would be a blessing in disguise or a cause of additional burden on them, because we do not know whether the tenant would be able to pay this amount of tax or not. Therefore, I would appeal to the House that this clause should be so amended as to make the tax equally payable by the landlords and the tenants, and I hope my amendment will be accepted.

6-25 p.m.

Maulvi HASSAN ALI: Sir, I am at one with the Hon'ble Minister for Education in thinking that the crying need of rural Bengal is the introduction of compulsory primary education in the country. But, Sir, I am not at one with him when he proposes that the cultivating raiyat will have to pay 3½ pice in the rupee upon his rent or annual value of his land and the landlords will have to pay only 1½ pice in the rupee upon the annual value of his estate or tenure. The Hon'ble Minister has made a tour in certain districts of Bengal and has ascertained the feeling of the cultivating classes with regard to need of primary education. But I am sorry to say, Sir, that I am afraid he has not gauged the feeling of the raiyats about the ratio of taxation. I believe, Sir, that he has overlooked the fact that the raiyats' capacity to pay further has come to an end just as his parcel of land has reached the limit of fertility. Any casual observer who has come into contact with these unfortunate raiyats for a day even, who has marked the economic conditions of these people, who has seen how these dumb millions manage to live a half-starved life and half-naked body, cannot but admit that the already over-taxed tenantry of Bengal cannot pay any further tax. They have got to pay chaukidari tax which has been raised 3 or 4 times higher than the original under the present union board system. They have got to pay exhorbitant rate of Nazurana and they have got to pay enhancement under section 30. They have got to pay high interests. They are compelled to pay many other things also.

In these circumstances, Sir, if they are compelled to pay this high ratio of 3½ pice, simply because they want compulsory primary education, I think, Sir, it will be surely a penalty upon them. At a time

when Bengal is being visited with frequent famines and floods, I think the piece of legislation imposing 7/10th of the tax upon the poor tenantry will be nothing but vindictive. If you really desire the welfare of the tenants, I say do not impose tax upon them with vengeance.

Sir, the ratio of the taxation seems to stand on the basis that the tenants are to pay the largest share because they are likely to derive more benefit. But, Sir, I should submit that the application of the principle here to the question under consideration is wrong. If the appalling illiteracy of Bengal is removed by this piece of legislation then the whole of Bengal will be raised. If tenants are educated the zamindars will also be highly benefited for much of the bad blood that exists at present between the zamindar and tenant will vanish and the country as a whole will be benefited. Besides, Sir, there is another side of the question. In civilised countries peoples' education forms but the first charge upon the country's revenues, and it is really shocking to see that the Government of Bengal should come forward with such a meagre contribution as that of 22 lakhs of rupees towards the expenses of primary education of the country. And further I do not see any reason why the estate holders and tenure-holder would pay only 1½ pice ratio. They form the richest, the most educated and, for the matter of that, the most responsible section of the people, having many obligations towards the tenants. I think, under the circumstances, it is quite fair that zamindars should pay 2½ and the raiyats 2½ pice.

Maulvi TAMIZUDDIN KHAN: I oppose the amendment of Maulvi Abdus Samad, but I fully support his speech There seems to be a good deal of misunderstanding————

[At 6-35 p.m. the Council was adjourned and it reassembled at 6-45 p.m.]

Maulvi TAMIZUDDIN KHAN: There seems to be a good deal of misunderstanding centring round the understanding of this clause by hon'ble members of this House. It appears that in connection with this clause those who are zamindars have tabled amendments against the interests of zamindars and those again who claim to be representatives of the raiyats have tabled amendments which seem to be anti-tenant. If I have understood aright, sub-clause (2) of clause 30 says that zamindars will have to pay the whole amount of the education cess minus a certain amount, namely, 1½ pice per rupee of revenue that they pay. Now if this amount of 1½ pice is increased to 2½ pice it would evidently diminish the burden of the zamindars. Therefore although Maulvi Abdus Samad intends to reduce the burden of the tenants, yet

in fact his amendment would tend to reduce the burden on the zamindars resulting in an appreciable decrease in the proceeds of the education cess.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have already explained the reasons why the ratio between the zamindars and tenants has been fixed at 1½ pice and 3½ pice respectively, and I repeat them again, and I say that it has been done by way of compromise. Government, after mature consideration, were of opinion that the ratio should be 1 pice and 4 pice respectively, whereas the select committees decided that it should be 2 pice and 3 pice, and as a matter of compromise between the reports of the select committees and the decision of Government it has been put at 1½ pice and 3½ pice respectively. I do not propose to enter into any discussion whether Maulvi Tamizuddin Khan or Maulvi Abdus Samad is correct. But the point is that I have no option but to oppose the amendment, and I consider that as it is an important and fundamental clause in the Bill the ratio should not be altered. Secondly, though Maulvi Abdus Samad and Maulvi Hassan Ali have described at great length the present unfortunate condition of the tenants, none of them has given an idea as to what their share of contribution actually amounts to. What the tenants are being called on to contribute is 3½ pice, but as I have told the Council, the average tenant will not be called on to pay more than 14 annas a year. On the other hand I should point out that the zamindars, though they are to pay only 1½ pice, they have got the burden of collecting the whole cess of 5 pice and in case of a bad year—from an agricultural point of view—they may have to pay the full amount, and it would take them three or four years to realise the tenants' share. So, actually, the zamindar is not only going to have the burden of collection but is also acting as a banker, that is, he pays money in the first instance and then realises it at a later date, may be, after two or three years, in addition to having to bear the cost of realisation by bringing in civil suits. So, actually, the landlord's contribution is not 1½ pice as provided in the Bill but something like 3 pice, because of the burden of collection plus the advance which he will have to make on behalf of the tenants which will, or would, come up to something like 3 pice in the rupee. Therefore, from the zamindar's point of view Government considered that the ratio is not unfair and that the contribution the tenants are asked to make is reasonable for the privilege of educating their children. Government are also of opinion that they cannot, under any circumstances whatsoever, have their sons educated for less than what they are called on to pay under the cess provisions of this Bill. On these grounds I not only oppose the amendment but would also request the mover to withdraw his amendment because, as I have said,

the question of ratio is an important one and is, as a matter of fact, the crux of the whole Bill, and we would not have had all this trouble if it had not been for the ratio and cess. I would therefore request members not to jeopardise the Bill by carrying this amendment through, which may compel Government to drop the Bill altogether.

The motion of Maulvi Abdus Samad was then put and lost.

The following motions were called but not moved:—

Rai Sahib PANCHANAN BARMA, Maulvi TAMIZUDDIN KHAN, Maulvi ABDUL HAMID SHAH, Haji BADI AHMED CHOWDHURY, Dr. AMULYA RATAN GHOSE and Maulvi ABUL KASEM to move that in clause 30 (2), line 5, for the words "one and a half" the words "two" shall be substituted.

Babu SATYENDRA NATH ROY, Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, Rai Bahadur SATISH CHANDRA MUKHARJI and Dr. NARESH CHANDRA SEN GUPTA to move that in clause 30 (2), line 5, for the words "one and a half," the word "one" shall be substituted.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that to clause 30 (2), the following shall be added, namely:—

"after deducting 20 per cent. as collection charge on the total amount of the primary education cess realisable under sub-section (4)."

Mr. SARAT KUMAR ROY to move that for clause 30 (3), the following shall be substituted, namely:—

"(3) Every holder of the tenure shall yearly pay to the holder of the estate or tenure within which the land held by him is included his share of the primary education cess calculated at the rate of one pice for every rupee of the annual value of the land comprised in his tenure less a deduction to be calculated at one and a half pice for every rupee of the rent payable by him for such tenure."

Babu SUK LAL NAG to move that in clause 30 (3), line 4, for the words "annual value" the word "rent" shall be substituted.

Mr. MUKUNDA BEHARY MULLICK to move that in clause 30 (3), line 6, for the words "one and a half" the word "three" shall be substituted.

Maulvi ABDUS SAMAD to move that in clause 30 (3), line 6, for the words "one and a half" the words "two and a half" shall be substituted.

Dr. AMULYA RATAN GHOSE, Maulvi ABDUL HAMID SHAH, Rai Sahib PANCHANAN BARMA, Haji BADI AHMED CHOWDHURY, Maulvi ABUL KASEM and Maulvi TAMIZUDDIN KHAN to move that in clause 30 (*3*), line 6, for the words "one and a half" the word "two" shall be substituted.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, Rai Bahadur SATISH CHANDRA MUKHARJI and Babu SATYENDRA NATH ROY to move that in clause 30 (*3*), line 6, for the words "one and a half pice" the words "one pice" shall be substituted.

Mr. SARAT KUMAR ROY to move that in clause 30 (*4*), lines 1 and 2, for the words "person to whom his rent is payable seven-tenths" the words "Union Board or to the President Panchayet like the union board tax or chaukidari tax four-fifths" shall be substituted.

Haji BADI AHMED CHOWDHURY to move that in clause 30 (*4*), line 2, for the word "seven-tenths" the words "three pice" shall be substituted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 30 (*4*), line 2, for the word "seven-tenths" the words "one and a half" shall be substituted.

Dr. AMULYA RATAN GHOSE to move that in clause 30 (*4*), lines 2 to 4, for the words beginning with "seven-tenths" and ending with "section 29 upon" the words "two pice for every rupee of" shall be substituted.

Babu SATYENDRA NATH ROY to move that in clause 30 (*4*), line 2, for the word "seven-tenths" the word "three-fourths" shall be substituted.

Babu SUK LAL NAG to move that in clause 30 (*4*), line 2, for the word "seven-tenths" the word "five-eighths" shall be substituted.

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 30 (*4*), line 2, for the words "seven-tenths" the words "three-fifths" be substituted

My purpose is quite clear. A raiyat is made to pay 3½ pice per rupee; it seems to be too burdensome on them, and therefore their ratio should be reduced.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I oppose the amendment moved by my friend, Maulvi Tamizuddin Khan. My grounds are practically the same as they were in the case of the amendment of Maulvi Abdus Samad. I regret I cannot accept this amendment. It will raise the ratio on the zamindar and reduce the ratio on the tenants, and as I said this is very important and there are ample reasons why the ratio should not be altered. I, therefore, oppose it.

The motion of Maulvi Tamizuddin Khan was then put and lost.

Maulvi ABDUS SAMAD: I beg to move that in clause 30 (*d*), line 2, for the words "seven-tenths" the words "one-half" be substituted.

In moving this amendment I need not repeat the arguments which have already been put forward. I wish only to add a few words to what I have already said. Sir, when the revenue was fixed in 1793 by the Permanent Settlement it was fixed in relation to the amount of collection then existing. Since then the amount of collection has increased by ten-fold and the rent payable by the tenant is being enhanced every now and then, whereas the revenue that a landlord has to pay is fixed permanently. There are many improvements which the zamindars agreed to do under the Permanent Settlement, as for example, the construction and maintenance of embankments and improvement of irrigation and other things but they have not complied with these provisions and they have done nothing for the amelioration of the condition of the tenantry. Therefore they are liable to pay more for the education of the raiyats, who may be considered as the children of the zamindars. It is their duty to educate the tenants and share a fair proportion of the burden of taxes. The Hon'ble Minister was pleased to say that in fixing this amount he had also to consider the collection charges the landlords would have to bear. I submit that the landlords will not have to appoint new hands for the collection of this tax, the men who collect the rent and the road cess will be able to collect this cess also. So the landlords will not incur any additional expenditure. So I propose that the ratio should be reduced to one-half.

Mr. A. J. DASH: I beg to oppose the amendment. I think I have nothing to add to the reasons already given by the Hon'ble Minister. This is the most inopportune moment for proposing any alteration in the ratio payable by the landlord and by the cultivating raiyat. I ask the House not to accept this amendment.

Maulvi HASSAN ALI: In support of the amendment moved by Maulvi Abdus Samad I wish to say just a few words. We have just

now seen that in the case of the proprietors of mines and quarries the ratio of tax has been reduced to 3 pice but on what logic the House has not been enlightened as to that. The Hon'ble Minister has seen his way to reducing the ratio in case of railways and tramways also but I do not know why he cannot reduce the ratio with regard to the poor tenants of Bengal. Are we to understand that the railways and tramways are poorer than the unfortunate tenants of Bengal? The fun of the whole thing is that the proprietors of mines and quarries have been altogether exempted from paying the education cess. Are we to understand that they are the most favourite persons of the Government? What fascination the Hon'ble Minister has with regard to them I do not know.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not think many words are required to justify the reduction of cess on mines. To begin with cess from mines will only be utilised in the district of Burdwan; the other districts will get no benefit because this cess will be purely a local tax. Consequently, mine-owners have been called upon to pay 3 pice in the rupee and not 5 pice. What we have done is that we have asked them to pay the maximum amount which one of the parties was called upon to pay, viz., 3 pice, and according to my calculation the zamindars' share goes up to 3 pice in the rupee. They are asked to pay on the same basis. Secondly, the cess on mines is a tax on their net profit; it is practically a surcharge on income-tax. As regards the tenants the tax is not on their profit but on their rent. So there can be no comparison between the two. The third point—a very important one—is that the cess on mines would only affect the mines that are in Bengal; whereas other mines in Bihar and Orissa will be in an advantageous position because they will not be called upon to pay any cess. Therefore, it is only fair that we should try to lighten the burden on the mine-owners. Under these circumstances I oppose the motion.

The motion of Maulvi Abdus Samad was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Syed Majid.
Bal, Mr. Sarat Chandra.
Chaudhuri, Khan Bahadur Maulvi Afimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Saziul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.

NOES.

Basir Uddin, Maulvi Mohammed.
Burn, Mr. H. H.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Dash, Mr. A. J.
Easson, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. C. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sueil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haldar, Mr. S. K.
Hogg, Mr. G. P.
Hosain, Nawab Musharrul, Khan Bahadur.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Sarkar, Sir Jadunath.
Sen, Mr. J. M.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. B.
Stevens, Mr. H. S. E.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.
Twynam, Mr. H. J.

The Ayes being 23 and the Noes 37 the amendment was lost.

Maulvi ABDUL HAKIM: Sir, I beg to move that in clause 30 (*4*), line 2, for the word "seven-tenths" the word "two-fifths" be substituted.

In support of this amendment I want to adduce the following reasons for the consideration of the House. The tenants or the cultivating raiyats are the poorest, the most wretched, and the most helpless class of people in this country. The primary reason for their poverty is the exploitations which are being perpetrated upon them by the landlords, the money-lenders and the foreign traders. In fact they are the worst sufferers among God's creatures on earth. When I think I see nothing but organised exploitations committed upon them from every side. In fact they are born in exploitation, they live in exploitation, and they breathe their last in that exploitation. They are least able to pay any more tax on account of their wretched condition and extreme poverty. From certain reliable accounts I am aware that now the landlords of Bengal gain as rent 52 times more than what was settled at the time of the Permanent Settlement in the year 1793. The merciless money-lenders also are no less exacting than the landlords of our country.

There are a class of landholders in England, and these landholders, though possess lesser rights and lesser income than the landlords of our country, yet they set apart a big portion of their income in their annual budget for the sanitary, educational and agricultural improvements of their tenants. No doubt the Permanent Settlement has made them sole masters of lands with almost kingly rights, but are they not morally bound to make all sorts of necessary improvements regarding sanitation, education and agriculture concerning their tenants? Have they not committed a moral breach of trust regarding their moral obligations? In my opinion the landlords of Bengal should think seriously why they

should not pay the whole or a greater portion of this tax to fulfil their moral obligations at this age when the democratic ideas are so rampant throughout the world. As a messenger of tenants, I think, it is sinful on my part if I do not advocate the legitimate cause of the poor tenants in this great matter of taxation upon the tenants. However, I think that not more than 2 pice in the rupee upon the amount of their annual rent should be fixed upon the tenants or the cultivating raiyats of Bengal. I, therefore, do appeal to all the hon'ble members of this House to accept my amendment regarding this vital point of taxation upon the helpless and benighted tenants of Bengal.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have every sympathy with the tenants, and I have no doubt that they are very poor, but for reasons stated previously I oppose this amendment.

The motion of Maulvi Abdul Hakim was then put and lost.

The following motion was called but not moved:—

Mr. SARAT CHANDRA BAL to move that in clause 30 (*d*), line 2, for the word "seven-tenths" the word "one-fifth" shall be substituted.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 26th August, 1930, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 26th August, 1930, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the Hon'ble Khan Bahadur K. G. M. Faroqui (Minister), the Hon'ble Mr. Khwaja Nazimuddin, C.I.E. (Minister) and 105 nominated and elected members.

Starred Questions

(to which oral answers were given).

Dacca riots, damage to property.

*137. **Rai Bahadur KESHAB CHANDRA BANARJI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a comparative statement showing in detail—

(*i*) the number of Hindu and Muhammadan shops and houses looted and set on fire by the rioters in Dacca including the rural areas; and

(*ii*) the approximate amount of financial loss sustained by the owners of such houses, shops and markets?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) and (*ii*) For the city the total number of houses and shops looted or burnt or both is 278 and the total material damage is estimated at Rs. 4,30,000.

Information about the rural area is not yet complete.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether the information furnished is based upon the report of the Sub-Deputy Collectors who were deputed to collect this information?

The Hon'ble Mr. W. D. R. PRENTICE: I do not know. I have given the figures from the report of the District Magistrate.

Kishoreganj disturbances.

***138. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Political Department aware of the serious and widespread riots and lootings that are being committed by the Muhammadans in the subdivision of Kishoreganj since about the 11th July last?

(*b*) If so, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the area over which the looting and riots have been going on in the subdivision of Kishoreganj;

(*ii*) how many Hindu houses have been looted and plundered;

(*iii*) how many villages and thanas have so far been affected;

(*iv*) in how many cases looting has been attended with arson;

(*v*) how many bazars have been looted;

(*vi*) whether any Muhammadan shop has been looted in any bazar;

(*vii*) how many murders have been committed by the looters naming the member in each house and village;

(*viii*) in how many cases resistance was offered to looters and with what weapons; and

(*ix*) how many of the houses looted had firearms for the purpose of defence?

(*c*) Is it a fact that the majority of the houses looted are of ordinary poor class Hindus?

(*d*) Is it a fact that in the Mirzapur village alone 91 houses were looted of all their contents leaving the inmates absolutely destitute?

(*e*) Is it a fact that in most cases the inmates of the houses looted were robbed of all articles of food, wear and even utensils of everyday use leaving the inmates in a state of utter destitution and face to face with starvation and death?

(*f*) Is it a fact that (owing to the Hindus being rendered penniless and the bazars having been looted except only the Muhammadan shops which are charging ridiculously high prices for the daily necessaries such as rice, etc.) immediate relief in the shape of supply of rice and other necessaries from outside areas are urgently needed to save lives?

(*g*) Will the Hon'ble Member be pleased to state what arrangements, if any, the Government are proposing to take in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Serious disturbances took place from the 11th to the 14th July, 1930.

(*b*) (*i*) The disturbances were practically confined to the Hosseinpur and Pakundia thanas; a few villages in the Kishoreganj and Katiadi thanas were also affected.

(*ii*) 1,000 Hindu houses and 33 Hindu shops were looted and plundered.

(*iii*) Five thanas including Gaffargaon thana in the Sadar subdivision and about a hundred villages.

(*iv*) In eight Hindu houses and shops looting was attended with arson.

(*v*) Five bazars were looted, and a few shops in Hosseinpur bazar.

(*vi*) No.

(*vii*) Nine persons were murdered in the house of the late Babu Kristo Kumar Ray of Jangalia, police-station Pakundia, and another person who was wounded there died subsequently. A man of village Noakandi, police-station Pakundia, was also injured by the rioters and died subsequently.

(*viii*) So far as is known the only resistance offered to the looters was by two members of the family of the late Kristo Babu of Jangalia who used guns.

(*ix*) This information is not at present available.

(*c*) No. The majority of those looted were money-lenders.

(*d*) No, only 17 houses were looted in Mirzapur village. They were badly plundered.

(*e*) No, not in most cases. Though in some cases houses were completely looted and considerable hardship was caused. The District Magistrate has given Rs. 5,000 for relief purposes and various private relief parties are now operating. The distress is gradually subsiding.

(*f*) No complaint has been made that the Muhammadan shops are charging exorbitant prices. The Hindu shops are now open.

(*g*) The relief provided by the District Officer and privately is sufficient.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state the area in square miles of the affected parts?

The Hon'ble Mr. W. D. R. PRENTICE: I have not the vaguest notion.

Faridpur Railway station.

***139. Rai Sahib AKSHOY KUMAR SEN:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the Faridpur district board sent a copy of its Resolution No. III (*b*), dated the 3rd May, 1930, to the Agent, Eastern Bengal Railway, by Memorandum No. 1125G., dated the 24th May, 1930, requesting the Railway authorities by that resolution to shift the present Faridpur Railway station to a suitable site and to make without further delay a well-equipped first class railway station at a new site and thereby to remove the long-felt grievances of the Faridpur public?

(*b*) Has any reply to the said memorandum been given to the district board, Faridpur, as yet by the Agent, Eastern Bengal Railway?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state the reasons therefor?

(*d*) Is it a fact that a site-plan (for shifting the present railway station to that site) was sent by the Railway authorities on the 13th of July, 1929, through the then District Magistrate and Collector, Faridpur, asking for the opinion of the local bodies and Merchants' Association on the subject?

(*e*) Will the Hon'ble Member be pleased to state whether the said site-plan was approved by the local bodies, Merchants' Association and the local authorities at Faridpur?

(*f*) Will the Hon'ble Member be pleased to state what further steps are being taken to shift the present railway station to the site referred to above?

(*g*) Is it a fact that the Railway Department has been realising tolls from the merchants coming to and going from the railway station during rainy season for taking delivery of and sending their goods from and by railway for mooring their boats during the rainy season near the railway land?

(*h*) Will the Hon'ble Member be pleased to state whether such practice is in vogue in any other railway station in Bengal?

(*i*) Are the Government considering the desirability of stopping the realisation of such mooring tolls at Faridpur?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) No.

(*c*) Because it did not call for a reply but for necessary action.

(*d*) No. A site-plan showing a proposed new site for Faridpur station was sent to the District Magistrate, Faridpur, for his approval,

with letter No. 1070A/W—21/539/28, dated 31st January, 1929 (not 13th July, 1929). This letter did not specifically ask for the opinions of the local bodies and Merchants' Association on the subject.

(*e*) Not as far as Government are aware.

(*f*) The proposal to remove the railway station, Faridpur, to a new site has not been lost sight of, but the location of the new station has not yet been definitely settled. Owing to financial circumstances it will not be possible to undertake this work at present.

(*g*) To safeguard the interests of the railway, licences for mooring rights are issued, and tolls are levied in connection therewith on boats mooring along railway land at Faridpur. Such licensees are debarred from levying any toll on boats which moor against railway land for loading or unloading commodities which arrive or are despatched by rail, provided the boats are cleared and removed within three hours of their arrival.

(*h*) Yes. The grant of such licences for mooring rights is in practice at a number of other stations on the Eastern Bengal Railway.

(*i*) No. On the contrary, it is essential in order to safeguard the interests of the railway.

Educational institutions and present unrest.

*140. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the present number of schools and colleges in Bengal closed, stating in each instance the definite period for which each has been closed; and

(*ii*) the number of students who have left schools and colleges since the commencement of the present situation?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) and (*ii*) The information is not available and cannot be collected in the form desired without labour which Government cannot undertake. It may be possible, however, to publish shortly a report showing the effect of the recent unrest among students.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether any information has been collected in any form whatever?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: We have received a certain amount of information but a complete report cannot be prepared on the subject without undue labour.

Dacca disturbances—dead body procession.

***141. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that on the eve of the disturbances at Dacca the dead body of a Muhammadan was found at Dacca who was suspected of having met with his death under suspicious circumstances?

(*b*) What steps, if any, were taken by the Dacca Police to have a post mortem examination of the dead body and to make such inquiries as are enjoined by the Criminal Procedure Code?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state the result of the inquiry as well as the dates on which and officer or officers by whom the inquest was made?

(*d*) Is it a fact that the dead body was allowed to be taken in a procession to be buried without any post mortem examination or any inquiry in the nature of an inquest?

(*e*) Is it a fact that the police authorities at Dacca allowed the procession to proceed without any interference although all processions without a licence in the city were forbidden at the time?

(*f*) Did police constables accompany the procession?

(*g*) Was a licence taken out for the procession?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) to (*g*) This incident is discussed in the Dacca Inquiry Committee's report, which may be seen. The copies of the report have already been issued to members of the Council.

Contribution to Chaukidari Fund for non-existent chaukidari land in Bankura.

***142. Babu SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether there are any villages in the district of Bankura in which though there is no chaukidari land, yet "rent for chaukidari land" is realised from the owners of the villages?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the names and number of such villages; and

(*ii*) the reasons for this anomaly of realization of rent for non-existent land?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes, there is one such village.

(*b*) (*i*) The name of the village is Kanchanpur.

(*ii*) One Sohan Kumari Debya, with whom the estate (Tauzi No. 381) comprising the village was originally settled, obtained remission to the extent of Rs. 36 from the annual assets, that is, remission of Rs. 18 in the annual revenue in consideration of the fact that the owners had to pay that amount as cash remuneration to the chaukidar under section 49, Act VI of 1870. Subsequently when separate accounts were opened (one half share bearing Tauzi No. 381 and the other half Tauzi No. 381/1), the proprietors of each separate account executed separate agreements undertaking to pay Rs. 9 each to the Chaukidari Fund and hypothecated the estate as security for the payment of the amount.

Noabad Taluks in Chittagong.

***143. Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) how long after the last day of payment of kist the sale is fixed;

(*ii*) at what rate the penalty or the exemption fee is realised from the defaulting talukdars to exempt their mahals from revenue sale; and

(*iii*) at what per cent. per annum the penalty is charged from the talukdars?

(*b*) Under what authority is the realisation of penalty made?

(*c*) Will the Hon'ble Member be pleased to state whether the penalty realised in the district of Chittagong is the same as that realised in other districts?

(*d*) Will the Hon'ble Member be pleased to state whether Noabad taluks under the management of Court of Wards ever defaulted in payment of kist?

(*e*) If the answer to (c) is in the affirmative, at what rate penalty was charged therefrom?

(*f*) If no penalty was realised, will the Hon'ble Member be pleased to state the reasons thereof?

(*g*) Is the Hon'ble Member aware that the Chittagong Zamindars' Association unanimously passed some resolutions for the abolition of the penalty?

(*h*) Are the Government contemplating taking any action in the matter?

(*i*) Was not the Noabad Taluk No. 231, Shib Charan of Cox's Bazar Khas Mahal under the management of the Court of Wards, in arrears in 1929-30?

(*j*) If so, for what amount was the taluk in arrears and what penalty was realised by the Government for releasing the taluk from revenue sale?

(*k*) Will the Hon'ble Member be pleased to state—

(*i*) for what amount the Noabad Taluk No. 78, Haridas of Mauza Taitong, was in arrears in 1929-30;

(*ii*) what penalty was realised for releasing this taluk from sale;

(*iii*) what are the assets of the said taluks in the Revisional Survey;

(*iv*) what is the Government revenue; and

(*v*) what profit is left for the talukdars?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) The question is not clear. Perhaps "latest day" is meant. In this connection attention is invited to the provisions of section 6 of Act XI of 1859.

(*ii*) The scale of fees is laid down in Note 10 under section 18 of Act XI of 1859 (page 48 of the Sale Law Manual, 1927).

(*iii*) The question is not understood.

(*b*) This is explained in Note 10 under section 18, referred to in (*ii*) above.

(*c*) The exemption fee is uniform in all districts.

(*d*) Sixty-six Noabad taluks under the management of Court of Wards defaulted.

(*e*) As these taluks are not liable to sale under Act XI of 1859 (vide section 17), the question of levy of penalty does not arise.

(*f*) This is covered by the answer given to question (*e*) above.

(*g*) Yes.

(*h*) An inquiry into the allegations made in the resolution is being made by the Board of Revenue.

(*i*) No. Section 33 of the Court of Wards Act IX of 1879 may be referred to.

(*j*) Does not arise.

(*k*) (*i*) The taluk was in arrears on 28th June, 1929, 12th January, 1930, and 28th March, 1930, for Rs. 1,046, Rs. 1,029 and Rs. 2,902 respectively.

(*ii*) The arrear of the June kist was adjusted from deposit without any exemption fee. For exempting the taluk from sale for arrears of the January and March kists, a fee of Rs. 100 and Rs. 200 respectively was realised.

(*iii*), (*iv*) and (*v*) The member is referred to the answer to (*d*) of the Starred Question 99 asked by him on 19th August, 1930.

Unstarred Questions

(answers to which were laid on the table).

Accidents on Khulna-Bagerhat Light Railway.

182. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to lay on the table a statement showing the number of cases of loss of

(*i*) life, and

(*ii*) property

in the Khulna-Bagerhat Light Railway from January, 1920, to July, 1930?

The Hon'ble Mr. A. MARR: There were seven "run over" accidents resulting in loss of life on the Khulna-Bagerhat Light Railway during the period from 1st January, 1920, to 31st July, 1930. There were no train accidents, such as derailments, collisions, etc., involving loss of life or any noticeable damage to property on the above Railway since 1st January, 1927, the date from which the records of such accidents are available.

Water-logging in Magrahat, 24-Parganas.

183. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that the people of Magrahat within the district of the 24-Parganas are paying drainage cess for the last 30 years for the improvement of their cultivation?

(*b*) Is the Hon'ble Member also aware that the lock-gate being 14 miles off from the place, the water is not cleared in due time and the crops are damaged every year?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what remedy he proposes to take in the matter?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) No.

(*b*) No complaints have been received except from a few square miles south of Daiji where there is a very low area.

(*c*) No special measures are proposed as Government have no information of serious water-logging.

Kishoreganj riot.

184. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing in connection with the Kishoreganj riot—

(*i*) the names of the bazars looted;

(*ii*) the names of the persons whose houses were actually looted and also of the houses which were robbed of their documents only;

(*iii*) the number of the *ejahars* lodged by the Hindus and the Muhammadans stating the number of the accused;

(*iv*) the names of the persons whose houses were burnt;

(*v*) the number of the persons who were killed by the rioters;

(*vi*) the number of the persons killed by the shooting of the armed police;

(*vii*) the names of the persons whose dying declarations were taken;

(*viii*) the number of the persons arrested till the 28th July;

(*ix*) how many of them are Hindus;

(*x*) how many Muhammadans;

(*xi*) the number of houses searched in connection with the riot till 28th July; and

(*xii*) how many of them were searched in the presence of male persons?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Five bazars were looted. The names are not yet available.

(*ii*) The names are not available. The number of houses looted including those of Muhammadans was 1,039. In 24 cases only documents were taken.

(*iii*) and (*iv*) The information is not yet available.

(*v*) Eleven.

(*vi*) Nine.

(*vii*) It has not been reported that any dying declaration was taken.

(*viii*) One hundred and eighty-three.

(*ix*) One.

(*x*) One hundred and eighty-two.

(*xi*) and (*xii*) The information is not available.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether any documents were recovered from the rioters and restored to their original holders?

The Hon'ble Mr. W. D. R. PRENTICE: The Subdivisional Officer of Kishoreganj, who has been recently to see me, has told me that a very few of the documents have been recovered.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Member be pleased to state whether any attempts have been made to recover the documents from the rioters?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Maulvi SYED MAJID BAKSH: What is the name of the Subdivisional Officer?

The Hon'ble Mr. W. D. R. PRENTICE: Mr. K. C. Basak.

Maulvi SYED MAJID BAKSH: Was he at Jhenida?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that a complaint was made against him for having tried to demolish a mosque?

Mr. PRESIDENT: That question does not arise.

Rural Health in Vishnupur subdivision.

185. Babu SATYA KINKAR SAHANA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to state whether it is a fact that the Vishnupur subdivision of the Bankura district has long been regarded as amongst the most malarious in the province?

(*b*) Is it a fact that a comparison of the census reports of 1911 and 1921 shows that there was decrease of the people by 17 per cent. in ten years?

(*c*) What further steps other than those mentioned in the reply to unstarred question No. 103 answered on 25th March, 1930, for improving the condition of the Vishnupur subdivision are in the contemplation of the Government?

(*d*) Will the Hon'ble Minister be pleased to state what further steps have been taken for the sinking of more tube-wells in the subdivision as stated by him in the reply to unstarred question No. 103 at the Council meeting held on the 25th March, 1930?

MINISTER in charge of LOCAL SELF-GOVERNMENT (PUBLIC HEALTH) DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) Some of the thanas of the Vishnupur subdivision in the district of Bankura are malarious.

(*b*) Yes.

(*c*) The anti-malaria grant and the quinine grant for the year 1930-31 will be distributed in due course. Government meet the cost of six rural health circles in the Vishnupur subdivision.

(*d*) Twenty tube-wells have been sunk in the Vishnupur subdivision out of which eight were financed by the district board. Construction of more wells is under consideration, in cases where one-third of the total cost is promised by the local people.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state which part of Vishnupur is referred in answer (*a*)?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice to reply to this question, as I have quite recently taken charge of the department.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state, with reference to answer (*d*), who financed the rest of the 22 wells?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I have no information.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state how the rural health circles are working in this subdivision?

Mr. PRESIDENT: The question is not definite. If the member has no particular work or scheme in view, the question is inadmissible.

Mr. SYAMAPROSAD MOOKERJEE: Has the Hon'ble Minister any information as to the number of tube-wells that may be sunk under that scheme?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I am sorry I have not got the information before me.

Kumar SHIB SHEKHARESWAR RAY: Will the Hon'ble Minister be pleased to state if the quinine grants for anti-malarial campaign is the same as in previous years?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I want notice; but the member who held this portfolio till the other day knows more than I do.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state the total number of health circles in the district of Bankura?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I want notice.

Bengal (Rural) Primary Education Bill.

186. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether a conference was called on the 18th July last in his office of some of the elected members of this Council to discuss the desirability of introducing the Rural Primary Education Bill of 1930 in the present session of the Council;

(*ii*) whether the members of the conference were composed mostly of non-zamindars and educationists and of public men of repute and talent;

(*iii*) what are the views of the said conference;

(*iv*) whether they have advocated the introduction of the said Bill in the said form in this session or opposed it; and

(*v*) what decision has been come to on the advice of the said conference?

(*b*) If the opinion and advice of the conference are not to be given effect to, will the Hon'ble Minister be pleased to state fully the reasons for such action?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) The names of those invited to attend are contained in the statement placed on the table.

(*iii*), (*iv*) and (*v*) Proceedings were informal and no definite decisions were recorded.

(*b*) Does not arise.

Statement referred to in the reply to clause (a) (ii) of unstarred question No. 186.

1. Mr. J. N. Basu.
2. Mr. B. C. Chatterjee.
3. Lieutenant Bijay Prosad Singha Ray.
4. Mr. Satish Chandra Ray Chowdhury.
5. Raja Bahadur of Nashipur.
6. Maharaja Bahadur Sris Chandra Nandy, of Kasimbazar.
7. Maharaja of Dinajpur.
8. Rai Bahadur Dr. Haridhan Dutt.
9. Mr. S. M. Bose.
10. Mr. Altaf Ali.
11. Mr. Nalini Ranjan Sarker.
12. Mr. Syamaprosad Mookerjee.
13. Dr. Naresh Ch. Sen Gupta.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state whether the consensus of opinion was in favour, or against the introduction of the Bill in the present session of the Council?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There was no definite decision. There were general criticisms on the Bill but the question whether the Bill should be introduced or not, was not discussed.

Rai Bahadur KESHAB CHANDRA BANARJI: Will the Hon'ble Minister be pleased to state why only one Muhammadan was invited to the Conference?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Others were consulted before.

Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Minister be pleased to state the reasons for consulting Hindus and Muhammadans separately?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Because they represent different interests.

Dacca disturbances; propaganda by mischief mongers.

187. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Political Department aware that some Mussalmans went to Ati, a village about six miles from Dacca, and carried on a propaganda in the name of the Nawab of Dacca instigating their co-religionists to loot Hindu houses and shops?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the information to the above effect was received by the Police in course of their investigation into the Ati Hat looting case?

(*c*) Is it a fact that at Rohitpur too Mussalmans were similarly instigated and that one of the Mussalman instigators hailing from Dacca was murdered by the Hindus?

(*d*) Is the Hon'ble Member aware that as a result of the propaganda carried on by designing persons, a general impression was created among ignorant Mussalmans, both in the city and in the mufassal, that plunder of Hindu property had been sanctioned by the Nawab of Dacca with the approval of Government, by way of celebration of the award of commissioned rank to the Nawab?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Member be pleased to state whether it is a fact that a chaukidar who proclaimed that such looting and arson had the sanction of the Nawab was chastised at Rohitpur by the Nawab himself in presence of the Superintendent of Police?

(*f*) Was any inquiry made as to how and wherefrom the said chaukidar got his authority to instigate the Muhammadans?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) This information was received at Rohitpur.

(*c*) The Muhammadans at Rohitpur were similarly instigated, but no such murder appears to have been reported.

(*d*) An impression was created that the plunder of Hindu property had the sanction of the Nawab and the approval of Government but not by way of celebrating the award of commissioned rank to the Nawab.

(*e*) Yes.

(*f*) Yes, without success.

Picketing of Excise shops.

188. Babu SATYENDRA NATH ROY: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing for the months of April, May, June and July, 1930—

(*i*) the number of persons arrested, and

(*ii*) the number of persons convicted,

in this Presidency, for picketing of Excise shops giving separate figures for males and females?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) 3,601 including 1 woman.

(*ii*) 3,087 including 1 woman.

Babu SATYENDRA NATH ROY: Has the Hon'ble Member any information regarding the sentence passed on the woman picketer?

The Hon'ble Mr. W. D. R. PRENTICE: I cannot answer it offhand, but I could find it out and let the member know later.

Kishoreganj riots and use of revolver by Mr. Franklin.

189. Maulvi ABDUL HAMID SHAH: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that the American missionary, Revd. Mr. Franklin, was allowed to shoot during the Kishoreganj riot?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state how many shots Mr. Franklin fired in the village of Govindpur?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Mr. Franklin was compelled to fire his revolver in self-defence. He fired in the presence of and with the complete approval of the Deputy Inspector-General of Police, Dacca Range.

(*b*) Two or three shots.

Motion for an adjournment of the Business of the Council.

Mr. NARENDRA KUMAR BASU: Sir, under section 81 of the Rules and Standing Orders, I beg leave to move for the adjournment of the business of the Council for the purpose of————

Mr. PRESIDENT: Mr. Basu, you know that section 71 (2) of the Bengal Legislative Council Rules and Standing Orders gives power to the Governor to disallow a motion for adjournment, notwithstanding the consent of the President on two grounds only. In the present instance His Excellency has disallowed your motion to discuss the situation arising out of continuance in office of the two Moslem Ministers in spite of the resignation of their Hindu colleague, as in His Excellency's opinion it relates to a matter which is not primarily the concern of the Local Government. So no discussion on your motion is possible.

Mr. NARENDRA KUMAR BASU: I do not want to discuss His Excellency's decision; but I just want to know whether the matter which is primarily the concern of this Council————

Mr. PRESIDENT: Mr. Basu, you are really entering into a discussion. In this case His Excellency has exercised his special powers—it is his prerogative. So the President cannot in any way help you in the matter.

(Here all the elected Hindu members present with some exceptions walked out of the Chamber.)

GOVERNMENT BILL.

The Bengal (Rural) Primary Education Bill, 1930.

[The discussion on clause 30 of the above Bill was then resumed.]

Mr. SARAT CHANDRA BAL: I beg to move that in clause 30 (4), line 4, after the words "payable by him," the following words be added, namely:—

"The collection of any education cess in excess of the cultivating raiyat's share shall be illegal."

Sir, this amendment is nothing but a declaration in most unequivocal terms of the illegality of realisation of any education cess in excess of the cultivating raiyats' share. Sir, the landlords or their gomostas, who are the friends and protectors of the poor raiyats, sometimes realise more from the illiterate raiyats than what is due to them. Cases are not rare, when the rent collectors realise more than ½ anna per rupee as road and public works cess.

Sir, there are many influential landlords in Bengal excepting some benevolent landlords, many of whom are against the imposition of primary education cess and as the Bill is going to be passed into law in the teeth of their opposition, it is not unnatural to think that as the landlords are entrusted with the duty of realising education cess, they or their rent collectors may take advantage of the law and being the protectors of the helpless illiterate raiyats may realise the whole education cess for them. To safeguard the interest of the poor raiyats it is necessary that there must be an express provision of law declaring any excess collection of education cess to be illegal. Moreover such declaration is necessary because in the kabuliyats executed by the raiyats in favour of the landlords the poor and helpless raiyats will be liable to pay any tax or cess that will be imposed upon the landlords by the Government. Such being the position of the raiyats, I think, an express provision of law is necessary and I hope this amendment, if accepted, may save the poor and helpless raiyats from any undue exactions by the influential landlords.

With these few words I move my amendment for the acceptance of the House.

SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. A. J. Dash): Sir, I beg to oppose this amendment, not because I am in lack of sympathy with the object of the mover, but because he wishes to achieve it in a way which is not the most suitable way. As advised, Government are of opinion that if any such object is to be achieved, it should be by an amendment of section 74 of the Bengal Tenancy Act which makes any imposition upon tenants of road cess or public works cess in excess of the amounts fixed by law to be illegal and thereby renders such exactions liable to penalty. I would therefore request the mover to withdraw his amendment and make his representation to the Revenue Department in order to get the Tenancy Act suitably amended.

The motion of Mr. Sarat Chandra Bal was then, by leave of the Council, withdrawn.

The following motions were called but not moved:—

Mr. SARAT CHANDRA BAL to move that in clause 30 (*4*), lines 4 to 6, the words "or upon the annual value as ascertained under the provisions of the Cess Act, 1880, of the land held by him" shall be omitted.

Dr. AMULYA RATAN GHOSE to move that after clause 30 (*4*), the following shall be added, namely:—

"(*5*) The primary education cess shall be levied before the 1st April, 1932."

Mr. PRESIDENT: The question is that clause 30 stand part of the Bill.

The motion was put and agreed to.

Clause 31.

The following motion was called but not moved:—

Babu SATISH CHANDRA RAY CHOWDHURY to move that in clause 31, lines 6 to 10, for the words "beginning with 'on the holder of every estate' and ending with 'cess will take effect'" the following shall be substituted, namely:—

"on the holder of every estate, tenure and on the cultivating raiyat, a notice showing the amount of primary education cess payable in respect of his estate, tenure or holding, and specifying the date from which such primary education cess will take effect."

Mr. PRESIDENT: The question is that clause 31 stand part of the Bill.

The motion was put and agreed to.

Clause 32

The following motions were called but not moved:—

Mr. NARENDRA KUMAR BASU to move that clause 32 shall be omitted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 32, the following proviso shall be added, namely:—

"Provided that the words 'cultivating raiyat' shall mean a person cultivating land by himself or by members of his family or by servants or by labourers or with the aid of partners and holding land immediately under a proprietor or a tenure-holder and holding land not more than one hundred standard bighas."

Mr. PRESIDENT: The question is that clause 32 stand part of the Bill.

The motion was put and agreed to.

Clause 33.

The following motions were called but not moved:—

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that in clause 33, line 1, before the word "proceeds" the word "whole" shall be inserted, and in line 3, after the word "district" the words "without any deduction whatsoever" shall be added.

Rai Sahib PANCHANAN BARMA to move that to clause 33, the following proviso shall be added, namely:—

"Provided that in the district of Burdwan the proceeds of the cess from mines shall be brought to account and held separately by the Board of that district and the Local Government may direct the transfer of the whole or any part of such sum to any other district or districts for the purpose of augmenting district primary education fund or funds of such district or districts."

Mr. PRESIDENT: The question is that clause 33 stand part of the Bill.

The motion was put and agreed to.

Clause 34.

The following motions were called but not moved:—

Mr. S. M. BOSE and Rai Bahadur Dr. HARIDHAN DUTT to move that to clause 34 (*1*) the words "carried on within the area for which the assessment has been made" shall be added.

Dr. AMULYA RATAN GHOSE to move that to clause 34 (*1*) the following shall be added, namely:—

"carried on within the village or union, as the case may be."

Rai Bahadur Dr. HARIDHAN DUTT to move that for clause 34 (*2*) the following shall be substituted, namely:—

"(*2*) the tax on each of such persons shall be at the rate of one anna per rupee of income, such tax however never to exceed rupees one hundred per annum."

Maulvi ABDUL HAMID SHAH to move that in clause 34 (*2*), line 2, for the words "one hundred" the words "two hundred" shall be substituted.

Dr. AMULYA RATAN GHOSE to move that in clause 34 (2), line 2, for the words "one hundred" the words "eighty-four" shall be substituted, and at the end of the same clause the words "after hearing them" shall be added.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 34 (*2*), line 2, for the words "one hundred" the word "fifty" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 34 (*3*), line 1, after the words "be communicated" the words "to the District School Board" shall be inserted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 34 (*5*), line 3, for the word "ten" the word "five" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that to clause 34 (*6*), the words "with an intimation in this respect to the Central Committee" shall be added at the end.

Mr. PRESIDENT: The question is that clause 34 stand part of the Bill.

The motion was put and agreed to.

Clause 35.

The following motion was called but not moved:—

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 35, line 2, the words "cultivating raiyat" shall be omitted and in line 3 the word "land" shall be omitted and the following shall be added to the same clause, namely:—

> "and 'land' means land which is cultivated, uncultivated or covered with water and yielding some profits to its owner or occupier not less than six rupees a year and does not include houses and buildings."

Mr. PRESIDENT: The question is that clause 35 stand part of the Bill.

The motion was put and agreed to.

The following motions were called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that after clause 35 the following be inserted, namely:—

"35A. Whenever the provisions of this chapter come into force in any district or part of a district no school fees shall be realised in primary schools under public management from such date as the Local Government may by notification direct.

35B. The Local Government shall take no action under the powers reserved to them under this chapter except with the advice of the Committee.

35C. (*1*) The provisions of this chapter shall remain in force for three years from the date of the passing of this Act.

(*2*) The Local Government shall, immediately after this Act comes into force, appoint a Committee to enquire into the nature of the incidence of the cess and tax imposed under this chapter and to investigate and report on the most satisfactory and adequate method of taxation for the purposes of this Act, and on the financial provision generally for primary education in the province and the report of such Committee shall be laid before the Legislative Council before further legislation is proposed by the Government for the purpose of imposing a cess or tax for primary education."

Babu SATISH CHANDRA RAY CHOWDHURY to move that after clause 35 the following shall be inserted, namely:—

"35A. Whenever the provisions of this chapter come into force in any district or a portion thereof and the cess and tax are levied therein no school fees shall be realised after such date as the Local Government may, by notification, direct, from children attending primary schools within the area."

Khan Bahadur Maulvi AZIZUL HAQUE: May I have your permission, Sir, to move a short-notice amendment?

Mr. PRESIDENT: What is it?

Khan Bahadur Maulvi AZIZUL HAQUE: It is: That in addition to the sums which may be appropriated from the provincial revenues in any year for the purpose, the local Government shall every year provide a sum of Rs. 23,50,000 for expenditure on primary education in rural areas.

3-30 p.m.

Mr. PRESIDENT: I allow you to move this short-notice amendment.

Khan Bahadur Maulvi AZIZUL HAQUE: I beg to move that in addition to the sums which may be appropriated from the provincial revenues in any year for the purpose of primary education the Local Government shall every year provide a sum of Rs. 23,50,000 for expenditure on primary education in rural areas.

By accepting this motion of mine Government will be paying heed to public opinion which was very strong in the matter, namely, that there should be a minimum statutory grant so far as the Primary Education Bill is concerned. That is one point which our Hindu friends tried to

wrest from the Education Minister and that is also a point which members on this side of the House have been pressing Government to accept for a long time. I congratulate the Government that at this late stage they have seen the wisdom of accepting my motion and thereby accelerating the passage of the Bill through the Council.

Sir, I will not take much of your time. I will only say this much. That it is absolutely essential that public opinion should be satisfied that Government does not want at any future time to go back behind the promise of a statutory amount which may be fixed to-day, while leaving it open to them to augment this amount for distribution among rural areas. I think it is also desirable that the Education Minister should make it clear in his reply as to whether this amount will be actually spent on the inspecting staff and training of teachers. But this amount should be distributed among the rural school boards with a view to augment their resources. It also appears, Sir, from a note of the Director of Public Instruction that Government will meet the cost of training of teachers and the inspecting staff from other sources. I hope, Sir, my amendment will be accepted by the Hon'ble Minister.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I accept the motion that has been moved by Khan Bahadur Maulvi Azizul Haque. I want to make it clear in this connection that this amount has nothing to do with the expenditure on the inspectorate or on the training of teachers. This is actually what we are giving now to meet the cost of primary education in Bengal.

The motion of Khan Bahadur Maulvi Azizul Haque was then put and agreed to.

Mr. PRESIDENT: The question is that the new clause 35A stand part of the Bill.

The motion was put and agreed to.

Clause 36.

The following motions were called but not moved:—

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that in clause 36 (*1*) (*c*), line 1, for the words "Local Government" the words "School Boards" shall be substituted.

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 36 (*1*), the following shall be omitted, namely:—

"(*x*) all school fees, if any, collected in primary schools maintained by the Board."

Mr. PRESIDENT: The question is that clause 36 stand part of the Bill.

The motion was put and agreed to.

Clause 37.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that in clause 37, line 3, the words "in the following order" be omitted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that sub-clause *fourthly* in clause 37 shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 37, *fourthly*, lines 1 and 2, after the words "prescribed percentage" the words "not being more than fifty per cent." shall be inserted.

Rai Bahadur Dr. HARIDHAN DUTT, Dr. AMULYA RATAN GHOSE, Mr. SYAMAPROSAD MOOKERJEE and Mr. S. M. BOSE to move that to clause 37, *fourthly*, the following shall be added, namely:—

"not exceeding fifty per cent. thereof."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that to sub-clause *fifthly* of clause 37, the following shall be added, namely:—

"Provided that the cost of the establishment of the Board shall not exceed 5 per cent. of the income of the Board."

Dr. AMULYA RATAN GHOSE to move that after sub-clause *seventhly* of clause 37, the following shall be inserted, namely:—

"*Eighthly*. The payment of cost of providing for the physical education of the children in the primary school under public management and for the periodical medical examination and meals during school hours of such children."

Dr. NARESH CHANDRA SEN GUPTA to move that to clause 37, the following proviso be added, namely:—

"Provided that no part of the fund shall be spent in meeting any expenses for the inspection of schools or for the building or maintenance of institutions for the training of primary school teachers;

Provided also that sums spent for buildings or in providing sinking funds for loans shall in no case exceed twelve per cent. of the entire Primary Education Fund."

Mr. SHANTI SHEKHARESWAR ROY to move that to clause 37, the following proviso be added, namely:—

"Provided that not more than 10 per cent. of the amount credited to the District Primary Education Fund under sub-section (*1*) of section 36 shall be spent on the construction, equipment and maintenance of primary schools."

Mr. PRESIDENT: The question is that clause 37 stand part of the Bill.

The motion was put and agreed to.

Clause 38.

The following motion was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 38 (*2*), the following shall be substituted, namely:—

"(*2*) All orders, or cheques upon the said fund, shall be signed, jointly by the District Inspector of Schools and the president, or by either of them and a member of the Board."

Mr. PRESIDENT: The question is that clause 38 stand part of the Bill.

The motion was put and agreed to.

Clause 39.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 39, the following shall be substituted, namely:—

"39. (*1*) Every Board shall, each year, prepare a budget estimate of its income and expenditure for the ensuing financial year in the prescribed form and manner and shall submit it to the Local Government before the thirtieth day of November.

(*2*) The Local Government may either approve of the budget estimate or return it to the Board with such suggestions for modifications as the Government may think necessary and a revised budget estimate shall be re-submitted by the Board to the Government for approval."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 39 (*1*), the following shall be substituted, namely:—

"(*1*) Every Board shall each year, prepare budget estimate of its income and expenditure for the ensuing financial year, in the prescribed form and manner and shall submit it to the Board on or before the thirtieth day of September."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 39 (*1*), lines 4 and 5, for the words "Local Government through the Director of Public Instruction" the words "Central Committee" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 39 (*1*), lines 4 and 5, for the words "the Director of Public Instruction" the words "the Central Committee" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 39 (*2*), the following shall be substituted, namely :—

"(*2*) The Central Committee may either approve of the budget estimate as it stands, or approve of it after making such alterations, if any, as it may think fit or cause it to be returned to the Board for such modifications as the Central Committee may think necessary, and when such modifications have been made, the Central Committee shall submit a summary of such budget estimate to the Local Government in a prescribed form and manner along with its own budget estimate."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 39 (*2*), for the words "the Local Government" whenever they occur the words "Central Committee" shall be substituted.

Dr. AMULYA RATAN GHOSE to move that in clause 39 (*2*), line 1, after the words "Local Government" the words "shall lay the budget before the Committee for their approval and" shall be inserted.

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 39 (*2*), after the words "Local Government" occurring in the first and the second place the words "on the advice of the Committee" shall be inserted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 39 (*2*), lines 2 and 3, the words "or approve of it after making such alterations (if any) as it may think fit" shall be omitted.

Mr. PRESIDENT: The question is that clause 39 stand part of the Bill.

The motion was put and agreed to.

Clause 40.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that for chapter VI, clauses 40 to 49, the following shall be substituted, namely:—

"40. Accounts of the receipts and expenditure of every Board shall be kept in the prescribed manner and form up to the prescribed date in each year.

41. The annual accounts of the receipts, expenditure, liabilities and assets of every Board shall be prepared and sent in the prescribed manner within a month from the close of the financial year and placed before the Board to which they relate for consideration.

42. The accounts of the Board shall be audited and examined once in each year by such Auditor as may be appointed by the Local Government and the Board shall give the Auditor all reasonable facilities to inspect all books, deeds, contracts, vouchers, receipts and other documents for the purposes of the audit.

43. A copy of the accounts of the Board duly made up and balanced shall be deposited in the office of the Board and be open at the prescribed hours to the inspection of all interested persons for 14 clear days before the audit and all such persons may according to the prescribed conditions take copies or extracts from the same.

44. The Local Government shall from time to time frame such rules for Audit as it considers desirable."

Mr. BIJOY PRASAD SINGH ROY to move that to clause 40, the following shall be added, namely:—

"and the accounts of the receipts, expenditure, liabilities and the assets of the Board and the Central Committee shall be prepared and signed, in the prescribed manner, within a month from the close of the financial year and placed before the Board or the Central Committee, to which they relate for consideration."

Mr. PRESIDENT: The question is that clause 40 stand part of the Bill.

The motion was put and agreed to.

Clause 41.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 41, last line, for the words "Local Government" the words "Central Committee" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that to clause 41, the words "in consultation with the Central Committee" shall be added, at the end.

Mr. PRESIDENT: The question is that clause 41 stand part of the Bill.

The motion was put and agreed to.

Clauses 42 to 44.

Mr. PRESIDENT: The question is that clauses 42 to 44 stand part of the Bill.

The motion was put and agreed to.

Clause 45.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clase 45, line 1, after the words "any person" the words "or official" shall be inserted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 45, lines 1 and 2, for the words "interested in the District Primary Education Fund" the words "residing within the area" shall be substituted.

Mr. PRESIDENT: The question is that clause 45 stand part of the Bill.

The motion was put and agreed to.

Clause 46

Mr. PRESIDENT: The question is that clause 46 stand part of the Bill.

The motion was put and agreed to.

Clause 47.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 47 (*1*), line 7, for the words "the Commissioner of the Division" the words "the Central Committee" shall be substituted.

Rai Bahadur Dr. HARIDHAN DUTT and Babu JATINDRA NATH BASU to move that in clause 47 (*1*), line 7, for the words "Commissioner of the Division" the words "Local Government" shall be substituted.

Dr. AMULYA RATAN GHOSE to move that in clause 47 (*1*), line 7, for the words "Commissioner of the Division" the words "Local Government or the District Magistrate after the first term of four years" shall be substituted; and in lines 2 and 3, for the word "Commissioner" the words "Local Government or the District Magistrate as the case may be" shall be substituted.

Rai Bahadur Dr. HARIDHAN DUTT and Babu JATINDRA NATH BASU to move that in clause 47 (*1*), line 8, for the words "within thirty days" the words "within the period prescribed" shall be substituted.

Rai Bahadur Dr. HARIDHAN DUTT and Babu JATINDRA NATH BASU to move that in clause 47 (*1*), lines 8 and 9, for the word "Commissioner" the words "Local Government" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 47 (*2*), line 1, for the words "the Commissioner" the words "the Central Committee" shall be substituted.

Babu JATINDRA NATH BASU and Rai Bahadur Dr. HARIDHAN DUTT to move that in clause 47 (*2*), line 1, for the word "Commissioner" the words "Local Government" shall be substituted, and for the word "his" the word "its" shall be substituted.

Dr. AMULYA RATAN GHOSE to move that in clause 47 (*2*), line 1, for the word "Commissioner" the words "Local Government or the District Magistrate as the case may be" shall be substituted.

Mr. PRESIDENT: The question is that clause 47 stand part of the Bill.

The motion was put and agreed to.

Clause 48.

The following motions were called but not moved:—

Rai Bahadur Dr. HARIDHAN DUTT and Babu JATINDRA NATH BASU to move that in clause 48 (*1*), lines 2 and 3, for the words "Commissioner of the Division" the words "Local Government" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 48 (*1*), lines 2 and 3, for the words "Commissioner of the Division" the words "Central Committee" shall be substituted.

Mr. PRESIDENT: The question is that clause 48 stand part of the Bill.

The motion was put and agreed to.

Clause 49.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 49, the following shall be substituted, namely:—

"49. Within fourteen days after the completion of the audit, the auditor shall report on the accounts audited and examined and shall forward such report to the Local Government through the Central Committee and also shall forward a copy of such report to the President of the Board concerned who shall lay it before the Board."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 49, line 4, the words "through the Director of Public Instruction" shall be omitted and in lines 5 and 6, after the words "the President of the Board concerned" the words "and also to the Central Committee" shall be added.

Mr. PRESIDENT: The question is that clause 49 stand part of the Bill.

The motion was put and agreed to.

Clause 50.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 50, the following shall be substituted, namely:—

"50. Subject to the prescribed conditions, the Board may delegate all or any of its powers of construction, repair, supervision and management of primary schools—

(*a*) in areas in which the Bengal Village Self-Government Act, 1919, is in force to a union board, and

(*b*) in areas in which the said Act is not in force to a village school committee consisting of not more than six and not less than four members (each of whom shall hold office for a term of not more than four years, unless reappointed) to be appointed by the board in this behalf for each area of a union committee or panchayat:

Provided that after the establishment of union boards in these areas this committee shall cease to function, and every such union board or the village school committee as the case may be shall subject to the control of the board exercise such powers within the area under its authority."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 50, lines 2 and 3, for the words "the Local Government" the words "the Central Committee" shall be substituted.

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 50, line 7, for the words "or panchayats" the words "or to village school boards constituted by the board" shall be substituted and in line 8 for the words "panchayats" the words "such village school board" shall be substituted.

Mr. PRESIDENT: The question is that clause 50 stand part of the Bill.

The motion was put and agreed to.

Clause 51.

The following motions were called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 51, lines 3 and 4, for the words "Panchayat appointed under the Village Chaukidari Act, 1870," and in line 6 for the word "panchayat" the words "village school board" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that to clause 51, the following shall be added, namely:—

"and if at any time it appears to the board that a village school committee is not competent to perform or persistently makes default in the performance of the duties imposed upon it by the Act, the board may remove all the members thereof and thereupon appoint other members to fill the vacancies."

Mr. PRESIDENT: The question is that clause 51 stand part of the Bill.

The motion was put and agreed to.

Clause 52.

Mr. PRESIDENT: The question is that clause 52 stand part of the Bill.

The motion was put and agreed to.

Clause 53.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that before clause 53 (*1*), the following shall be inserted, namely:—

"(*a1*) all existing schools giving instructions in primary education under private management in all such schools established after this Act comes into force in any area shall be registered with the board having such jurisdiction in such area. An application in the prescribed form shall be submitted to the board for such registration."

Mr. S. M. BOSE to move that in clause 53 (*3*), line 1, after the words "An appeal," the words "subject to revision by the Local Government" shall be inserted.

Dr. AMULYA RATAN GHOSE to move that in clause 53 (*3*), line 2, for the words "Director of Public Instruction" the words "Local Government" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 53 (*3*), lines 2 to 5, for the words beginning with "the Director of Public Instruction" and ending with "in writing" the words "the Central Committee" shall be substituted.

Mr. PRESIDENT: The question is that clause 53 stand part of the Bill.

The motion was put and agreed to.

The following motion was called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE to move that after clause 53, the following shall be inserted, namely:—

"53A. All existing schools giving instruction in primary education under private management and all such schools established after this Act comes into force in any area shall be registered with the Council having jurisdiction in such area. An application in the prescribed form shall be submitted to the Council for such registration."

Clause 54.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 54 (*3*), the following shall be substituted, namely:—

"(*3*) An appeal shall lie in respect of any order passed under sub-clause (*2*) to the Central Committee whose decision will be final."

Mr. S. M. BOSE to move that in clause 54 (*3*), line 1, after the words "An appeal" the words "subject to revision by the Local Government" shall be inserted.

Mr. PRESIDENT: The question is that clause 54 stand part of the Bill.

The motion was put and agreed to.

Clause 55.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that for clause 55, the following shall be substituted, namely:—

"55. (*1*) Any board on being satisfied that an adequate provision of schools has been made and that a sufficient number of children are attending school in any area for which a union board or a village school committee has been constituted, may, by a resolution passed at a meeting specially convened for the purpose and supported by the votes of not two-thirds of the members present, declare its intention to provide compulsory free primary education in such area under its jurisdiction for all children of either or both sexes and shall submit its proposals to the board in the form of a scheme giving such particulars as the board may from time to time prescribe.

(*2*) Any committee if called upon by the board so to do shall, within a time to be specified by the board, submit a scheme giving the prescribed particulars to provide compulsory free primary education in respect of any such area as the board may direct and in case of children of either sex or both sexes may specify.

(3) Every scheme shall be prepared and submitted to the board after—

(*i*) consultation with the union boards or the village school committees as the case may be having jurisdiction in such area,

(*ii*) consideration of any representation made to the board by parents or other persons or bodies interested, and

(*iii*) giving due publicity in the prescribed manner in the area concerned "

Dr. NARESH CHANDRA SEN GUPTA to move that for clause 55, the following be substituted, namely:—

"55. At the end of seven years from the date when this Act comes into force, primary education shall be compulsory throughout the province:

Provided that, if, at any time, within the aforesaid seven years the committee is satisfied that adequate provision has been made for primary education in any area: it shall report the fact and may recommend to the Local Government that primary education be declared to be compulsory within such area and the Local Government shall thereupon declare by notification that primary education shall be compulsory in such area unless, for reasons to be recorded in writing, the Local Government considers it proper to postpone making such declaration."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that for clause 55, the following shall be substituted, namely:—

"55. (*1*) As soon as the primary education cess will be fully levied in any area for which a union board, union committee or panchayat has been constituted it shall make adequate provision for primary education in the area for which it has been so constituted. The board shall then move the Local Government to make primary education compulsory in such area and the Local Government shall by notification declare that primary education shall become compulsory in such area.

(*2*) Primary education shall be made compulsory within three years of the primary education cess being fully levied in any area."

Mr. SYAMAPROSAD MOOKERJEE to move that for clause 55, the following shall be substituted, namely:—

"55. If the board concerned is satisfied that there is adequate provision for primary education in any area for which a union board, union committee or panchayat has been constituted, it may recommend

to the Local Government that primary education shall be compulsory within such area and the Local Government shall thereupon take necessary steps for introduction of compulsory education."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 55, line 1, for the words "the Local Government" the words "the Central Committee" shall be substituted.

Mr. NARENDRA KUMAR BASU to move that in clause 55—

(*a*) in line 1, for the words "Local Government" the words "Central Primary Education Committee" shall be substituted.

(*b*) in line 5, for the words "by notification, declare" the following shall be substituted, namely: "request the Local Government to declare by notification."

Maulvi MUHAMMAD HOSSAIN to move that in clause 55, line 1, for the words "after consulting" the words "on the report of" shall be substituted.

Maulvi MUHAMMAD HOSSAIN to move that in clause 55, line 5, for the word "may" the word "shall" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that to clause 55, the following shall be added, namely:—

"and the union board, union committee or panchayat be called upon to submit a scheme to the board giving the prescribed particulars to provide compulsory free primary education in respect of any such area and in case of children of either sex or both sexes as the board may specify."

Maulvi TAMIZUDDIN KHAN: I beg to move formally that after clause 55, the following proviso be added:—

"Provided that such adequate provision for primary education in the area and such declaration making primary education compulsory within the area shall be made not later than three years after the enforcement of the provisions of Chapter IV in the area."

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I oppose the motion, Sir, as it is not a practical proposal.

The motion of Maulvi Tamizuddin Khan was then put and lost.

The following motion was called but not moved:—

Maulvi MUHAMMAD HOSSAIN to move that to clause 55, the following shall be added, namely:—

"Provided that primary education shall be made compulsory within three years from the date of the enforcement of the Act in any area."

Mr. PRESIDENT: The question is that clause 55 stand part of the Bill.

The motion was put and agreed to.

3-45 p.m.

Clause 56.

The following motions were called but not moved:—

Dr. NARESH CHANDRA SEN GUPTA to move that clause 56 shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that for clause 56, the following shall be substituted, namely:—

"56. When a scheme has been sanctioned by the Local Government in consultation with the Central Committee, the board shall make adequate provision for compulsory free primary education within the area and no school fees shall be realised in any primary school under public management within such area."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 56, the following shall be substituted, namely:—

"56. No fee shall be charged by any primary school under public management in any area, in which sanction has been accorded to, by the Central Committee, for the introduction of free primary education under section 55."

Mr. BIJOY PRASAD SINGH ROY to move that for clause 56, the following shall be substituted, namely:—

"56. No fee shall be charged by any primary school under public management in any area in which primary education has been declared compulsory under section 55, following up the sanction accorded to by the Central Committee on the submission of a complete scheme by the board."

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 56, lines 1 and 2, the words "under public management" shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 56, line 2, before the words "primary education" the word "free" shall be inserted and in line 3, for the words "declared compulsory" the word "sanctioned" shall be substituted.

Maulvi TAMIZUDDIN KHAN: I beg to move that to clause 56, the following words shall be added at the end, namely, "or, where the provisions of Chapter IV are in force."

There is another amendment which aims at the same thing. My object is that it should be clearly stated that as soon as the cess is levied education should be made free from the date of the imposition of the cess. Unless that is done there will be good deal of heart burning in the country and the position of the hon'ble members of this House will be very much jeopardised because the people are expecting that education will be free and compulsory as soon as the cess is levied. We find that Government will not be in a position to make primary education compulsory before the expiry of 10 years in many places, but if education is not made at least free as soon as the cess is levied a great deal of discontent will grow in the country. I think Government ought to accept either this amendment or the amendment that will follow.

Mr. W. H. THOMPSON: Sir, on behalf of the European group in this House, I submit that, while we are open to conviction on the ground that the suggestion may be impracticable, we have considerable sympathy with the principle on which this amendment is based. Sir, suppose the Telephone Company in Calcutta arranged to increase its rate by 20 per cent. and at the same time offer a rebate of 25 per cent. to every body who paid their bills within a certain date. That would give all people a reasonable opportunity to save 5 per cent. and the proposition would be received with satisfaction. But supposing that the Telephone Company said we will now put up the rates by 20 per cent. and two years hence we will begin to give the rebate of 25 per cent. for prompt payment, do you think that their proposal would not be received with a howl from the subscribers of the telephone? Do you think it would be a business proposition to put forward? I, as Manager of the Telephone Company, would not think for a moment of putting forward such a suggestion. Sir, the suggestion is that cess should be levied for the purpose of providing education and also that till Government have made necessary preliminary arrangements, fees should go on being paid. It is not business. Besides not being business, it is likely to cause a good deal of discontent. Sir, I appeal—perhaps the word is incongruous in this connection—I appeal to the imagination of the Finance Department to make some arrangement by which relief can be given in the manner suggested in this amendment.

Mr. A. J. DASH: Sir, I beg to oppose the amendment. Mr. Thompson has given a delightful picture of certain relations between the Telephone Company and their subscribers and I feel certain that however delightful that picture may be there is no resemblance between the Education Department and the Telephone Company on the one hand or between the children who are being educated and the subscribers on the other. The difficulty in this case is a definite one, and that is we cannot be certain that fees can be abolished the moment this cess is imposed. Neither are we certain that fees can be abolished at that time in every school. There is no deception about it. It is most probable that the policy of the Department will be only to have free schools under public management, but as I say Government do not like to commit themselves now, because they are not quite certain what the cost will be or how long they will have to meet it. There is another point to consider and that is this: It is very proper that there should be something in hand to begin with when compulsion is imposed and it may be that in some cases fees will be realised at that time. It will be possible then to tell the persons who are going to be compelled to send their children to schools, "now you have compulsion but at the same time you are not being required to pay fees." I would, therefore, ask the mover to withdraw his motion, if possible, otherwise on behalf of Government, it is necessary for me to oppose the motion.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I submit it will be convenient if this amendment as well as the next one are taken up together.

Mr. PRESIDENT: I am afraid you are too late.

The motion of Maulvi Tamizuddin Khan was then put and lost.

Khan Sahib Maulvi BAZLUL HUQ: I beg to move that to clause 56, add the following:—

"and also from the time the provisions of this Act have been extended and cess imposed in any area, even before the primary education be declared compulsory."

Sir, we are going to saddle the people with a very heavy burden on the distinct understanding that primary education shall be free and compulsory. It will not be possible, I agree, to make education compulsory at once. It will take sometime for making preliminary arrangements. Nowhere in the Act do I find any provision when the Act will come into force and the cess will be realised. If the realization commence with the making of primary education compulsory, I have

nothing to say and the people have nothing to complain. But if this realization commences sometime earlier, there is no justification whatever why primary education should not be made free at once. True it is that some money is necessary to make preliminary arrangements —to construct school houses, etc., but the entire money that will be raised should not be spent after them. That will not satisfy the rate-payers. It will be doing great injustice if the rate-payers are to meet education expenses over and above payment of education cess. It will be a great hardship—an intolerable hardship indeed. It will give rise to *bona fide* hue and cry and the people will lose their confidence. Distrust will reign supreme. It will give food to the agitation to fan the flame of discontent. A number of primary schools are still existing. Let these existing schools be declared free school with the setting of the Act in motion. This is not a favour we are asking. It is only a question of distribution of people's own money in opportune time. It is an anomaly that it is called free, though the people are paying for it. It is a most equitable demand and deserves no opposition. I hope the Hon'ble Minister in charge of the Bill will accept the amendment and the House will give its united support to it.

Khan Bahadur Maulvi AZIZUL HAQUE: I give my support to the amendment which has been moved by Khan Sahib Maulvi Bazlul Huq. Mr. Thompson appealed to the imagination of the Finance Department; I was thinking whether there was any imagination left when Government really opposed this amendment. Do they remember that as a consequence of the action which we are taking by this Bill Bengal is going to be taxed to the extent of a crore of rupees? After all public opinion even in this country in measures of taxation is no less strong than in any other part of the world. That being so, can Mr. Dash say "we will tax you and at the same time realise fees from you for the purpose of giving your children education." It is against all canons of business that while you tax the people for education you do not make education free and compulsory. I would have appealed to the League of Nations, if that were possible pointing out that here is a Government that is taxing the people for the purpose of education, yet when that education is given on the grounds of some technical difficulties it is realising fees from the pupils, but probably I would be held out of order. It is eminently desirable that no acerbity of feeling should be created in the country by holding up here that while Government is interested in giving free primary education it is at once levying a cess and realising fees from you. After all we know to what extent rumours spread in this country and that ought really to be taken into consideration. I am sorry the Hon'ble Member in charge of the Political Department is not here to bear me out; if he were here he would have told you that with rumours as his valuable instrument one can damn any Government in this country. I hope Government will have some

imagination left by which it will make it impossible for us to say "you are doing too much of a thing—you are starting a measure which will impose a cess and at the same time realizing fees from the people."

Mr. C. C. COOPER: Sir, may I know if Government have any idea as to the actual amount of money involved in the first year?

Mr. A. J. DASH: I can answer that question only very roughly. The figure, I estimate, is in the neighbourhood of 5 lakhs of rupees. I beg to oppose the amendment and I do so very reluctantly. The Khan Bahadur has made a very moving speech urging that the Department must have a scheme by which they will not be realising fees when the cess is imposed. There is every hope that no fees will have to be realised. But I said we cannot be certain and we do not feel we should be bound by any statutory provision.

The motion of Khan Sahib Maulvi Bazlul Huq was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haidar.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Forrester, Mr. J. Campbell.
Habibullah, Nawab Khwaja.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. N. R.
Norton, Mr. H. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Sumner, Mr. C. R.
Thompson, Mr. W. H.

NOES.

Basir Uddin, Maulvi Mohammed.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Easson, Mr. C. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Sunil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gurner, Mr. C. W.
Haldar, Mr. S. K.
Hogg, Mr. G. P.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. J. M.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Twynam, Mr. H. J.

The Ayes being 38 and the Noes 27 the motion was carried.

Mr. PRESIDENT: The question is that clause 56, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

The following motion was called but not moved:—

Rai Bahadur Dr. HARIDHAN DUTT to move that after clause 56, the following shall be inserted, namely:—

"56A. The Board may make suitable provision for the periodical physical examination of the children at any primary school under public management, and also for the supply of meals to such children during school hours."

Clause 57.

Mr. PRESIDENT: The question is that clause 57 stand part of the Bill.

The motion was put and agreed to.

Clause 58.

The following motion was called but not moved:—

Mr. SHANTI SHEKHARESWAR ROY to move that in clause 58, line 3, before the word "child" the word "male" shall be inserted.

Mr. PRESIDENT: The question is that clause 58 stand part of the Bill.

The motion was put and agreed to.

Clause 59.

The following motion was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 59 (*1*), line 1, for the words "two miles" the word "one" shall be substituted.

Maulvi MUHAMMAD HOSSAIN: Sir, I beg to move that in clause 59 (*1*), line 1, for the words "two miles" the words "half a mile" be substituted.

Sir, in moving this amendment I should like to point out that unless sufficient arrangements are made by providing schools within such areas as the students may without difficulty attend the school—without giving such opportunity to the students—it would be disastrous to make primary education compulsory. With these few words, Sir, I beg to move my amendment for the acceptance of the House.

imagination left by which it will make it impossible for us to say "you are doing too much of a thing—you are starting a measure which will impose a cess and at the same time realizing fees from the people."

Mr. C. C. COOPER: Sir, may I know if Government have any idea as to the actual amount of money involved in the first year?

Mr. A. J. DASH: I can answer that question only very roughly. The figure, I estimate, is in the neighbourhood of 5 lakhs of rupees. I beg to oppose the amendment and I do so very reluctantly. The Khan Bahadur has made a very moving speech urging that the Department must have a scheme by which they will not be realising fees when the cess is imposed. There is every hope that no fees will have to be realised. But I said we cannot be certain and we do not feel we should be bound by any statutory provision.

The motion of Khan Sahib Maulvi Bazlul Huq was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Clark, Mr. I. A.
Cooper, Mr. C. C.
Cusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Forrester, Mr. J. Campbell.
Habibullah, Nawab Khwaja.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Laird, Mr. R. B.
Luke, Mr. N. R.
Norton, Mr. H. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Sumner, Mr. C. R.
Thompson, Mr. W. H.

NOES.

Bazir Uddin, Maulvi Mohammed.
Cohen, Mr. D. J.
Dash, Mr. A. J.
Easson, Mr. C. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Ganguli, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gurner, Mr. C. W.
Haidar, Mr. S. K.
Hegg, Mr. G. P.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. N.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Sarkar, Sir Jadunath.
Sarkar, Rai Sahib Rebati Mohan.
Sen, Mr. J. M.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Stevens, Mr. H. S. E.
Twynam, Mr. H. J.

The Ayes being 38 and the Noes 27 the motion was carried.

Mr. PRESIDENT: The question is that clause 56, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

The following motion was called but not moved:—

Rai Bahadur Dr. HARIDHAN DUTT to move that after clause 56, the following shall be inserted, namely:—

"56A. The Board may make suitable provision for the periodical physical examination of the children at any primary school under public management, and also for the supply of meals to such children during school hours."

Clause 57.

Mr. PRESIDENT: The question is that clause 57 stand part of the Bill.

The motion was put and agreed to.

Clause 58.

The following motion was called but not moved:—

Mr. SHANTI SHEKHARESWAR ROY to move that in clause 58, line 3, before the word "child" the word "male" shall be inserted.

Mr. PRESIDENT: The question is that clause 58 stand part of the Bill.

The motion was put and agreed to.

Clause 59.

The following motion was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 59 (*1*), line 1, for the words "two miles" the word "one" shall be substituted.

Maulvi MUHAMMAD HOSSAIN: Sir, I beg to move that in clause 59 (*1*), line 1, for the words "two miles" the words "half a mile" be substituted.

Sir, in moving this amendment I should like to point out that unless sufficient arrangements are made by providing schools within such areas as the students may without difficulty attend the school—without giving such opportunity to the students—it would be disastrous to make primary education compulsory. With these few words, Sir, I beg to move my amendment for the acceptance of the House.

Mr. J. M. SEN: Sir, I should like to point out that the scheme for the provision of free and compulsory primary education will be impracticable if the amendment be accepted. It will be impossible to set up a primary school within half a mile of the residence of every pupil. Hence the provisions concerning compulsory primary education will be nullified, if a large number of exemptions, as asked for by the mover of the amendment, are granted. I, therefore, oppose the amendment.

Maulvi SYED MAJID BAKSH: Sir, I beg to support the amendment which has been moved by my friend Maulvi Muhammad Hossain. I have heard the member who has just spoken, but I would like to submit, Sir, that it would be a great hardship to boys and girls of tender age if they are made to walk two miles out and two miles in every day for attending the school. In the case of grown up boys and girls it would not matter much. We are concerned here chiefly with boys and girls of 10 or 11 years of age, and their health will be affected if they are made to walk such a long distance daily. Ordinarily, the boys go to school after taking a full meal. And if they have to walk such a long distance, it will undermine their constitution gradually. I, therefore, beg to support the amendment, and would request the Hon'ble Minister to consider the position carefully and accept the amendment.

The motion of Maulvi Muhammad Hossain was then put and lost.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 59 (*2*), line 1, for the word "eight" the word "ten" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 59 (*2*), line 1, for the word "eight" the word "six" shall be substituted.

Dr. NARESH CHANDRA SEN GUPTA to move that in clauses 59 and 60, for the word "Panchayat" wherever it occurs the words "Village School Board" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 59 (*6*), lines 1 and 2, for the words "agricultural operations" the words "urgent private affairs" shall be substituted.

Mr. S. M. BOSE to move that in clause 59 (*6*), line 2, after the word "children" the words "not below the age of eight years" shall be inserted, and to the same clause the following shall be inserted:—

"not exceeding six weeks in all during the year."

Dr. AMULYA RATAN GHOSE to move that to clause 59 (*6*), the following shall be added, namely:—

"not exceeding eight weeks in all during the year."

Khan Sahib Maulvi BAZLUL HUQ to move that after clause 59 (*6*), add the following, namely:—

"or

(7) the road or path from the child's house to the school becomes impassable on account of heavy mud or water and other atmospherical unfavourable conditions; or

(8) the child is a girl and there be not proper arrangement for her being taken to school conveniently and with pardah if observed by the guardian."

Mr. PRESIDENT: The question is that clause 59 stand part of the Bill.

The motion was put and agreed to.

Clause 60.

The following motion was called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 60, line 1, after the word "Panchayat" the words "Village School Committee" shall be inserted.

Mr. PRESIDENT: The question is that clause 60 stand part of the Bill.

The motion was put and agreed to.

Clause 61.

Mr. PRESIDENT: The question is that clause 61 stand part of the Bill.

The motion was put and agreed to.

Clause 62.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 62 (*1*), lines 4 to 6, for the words beginning with "on conviction" and ending with "five rupees" the following shall be substituted, namely:—

"If the Magistrate finds such guardian to be guilty for the first time such guardian shall be discharged after proper warning and shall be liable to a fine not exceeding rupees ten if he commits the same offence again thereafter."

Mr. BIJOY PRASAD SINGH ROY to move that in clause 62 (*1*), last line, for the words "five rupees" the words "one rupee" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that clause 62 (*2*) shall be omitted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 62 (*2*), line 1, for the word "two" the word "three" shall be substituted, and in the last line for the word "fifty" the word "twenty" shall be substituted.

Mr. BIJOY PRASAD SINGH ROY to move that in clause 62 (*2*), for the word "fifty" the word "fifteen" shall be substituted.

The question is that clause 62 stand part of the Bill.

The motion was put and agreed to.

Clause 63.

The following motions were called but not moved:—

Mr. NARENDRA KUMAR BASU and Babu SATISH CHANDRA RAY CHOWDHURY to move that clause 63 shall be omitted.

Dr. NARESH CHANDRA SEN GUPTA to move that for clause 63, the following shall be substituted, namely:—

"63. The union board, union committee or the village school board may, if they think fit, make provision for giving religious instruction in all or any of the schools under their control, subject to prescribed conditions:

Provided that no instruction shall be given in any primary school which tends to promote any feeling of hatred, contempt or antagonism to any religious creed or community."

Khan Sahib Maulvi BAZLUL HUQ to move that in clause 63,

(*a*) in line 2, the words "so far as possible" and

(*b*) in line 3, the words "at least once in every week" be omitted.

Babu SUK LAL NAG to move that in clause 63, line 3, for the word "religious" the word "moral" shall be substituted.

Maulvi MUHAMMAD HOSSAIN: Sir, I beg to move that in clause 63, line 3, for the words "once in every week" the words "thrice a week" be substituted.

Sir, in moving this amendment I should like to point out that we Bengalis generally love religion than any thing else. The Bill provides that religious instruction should be imparted once in a week. It will be quite insufficient for a boy to have training in religion, because what he will learn once in a week he will manage to forget in the co[illegible] of that week. So I propose that it should be imparted thrice a week instead of once a week. With these few words, I move my amendment and hope that the members of the Council will support me.

4 p.m.

Khan Sahib Maulvi BAZLUL HUQ: Sir, in supporting the motion, I may state that the Indians regard religion as dearest of all worldly things. According to Islam religious education should precede secular education. This principle has been accepted from the dawn of the Islamic civilization and up till now the Mussalmans are scrupulously following this principle. You will find hardly any Mussalman who does not know to read the Holy Koran or at least a part of it. My Mussalman colleagues will surely bear me out that in every village in which there are Mussalman inhabitants one will find one, two or more Koran Maktabs where children of the neighbouring houses flock in numbers to take lessons in Koran and other fundamental rules of religion. In the absence of any convenient house for the purpose the mosque supplies the want It is an incumbent duty, nay an obligatory duty, on a Mussalman guardian to give religious instructions to his ward and he must educate his ward at least in the reading of the Koran and learning some of the rules and formulas and saying prayers, etc. A Mussalman child must say his prayer as soon as he reaches the age of 9 years if not earlier, or both the child and the guardian are sinners. So, Sir, no Moslem, however poor, can escape imparting religious lessons to his ward. The Holy Koran enjoins it as an imperative duty.

Now, Sir, these guardians, 99 per cent. of whom are poverty-stricken and cannot provide always two meals a day, are going to be heavily taxed. Unless adequate provisions are made in the schools and maktabs for imparting religious instruction the existing maktabs and Koran schools shall have to be maintained and this means an additional burden on the poor people. In fairness, justice and equity—when education cess is being imposed—people should be relieved of all charges for primary education. I don't know in what light my Hindu friends will consider this amendment. But I am sure no one amongst my colleagues in this House—to whatever religious persuasion he may belong—will deny the importance of imparting religious instructions to his ward.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Sir, I want to assure the members of the House that I am no less keen than they are in the

matter of imparting religious instruction in primary schools. But at the same time I regret I cannot accept the amendment as it restricts or rather imposes a certain amount of compulsion that religious instruction should be given twice or thrice every week. The position is that there may be a large number of schools where practically 75 to 80 boys may not be wanting religious instruction, or rather the parents or guardians may be averse to their boys being given any kind of religious instruction. In that case, a compulsory clause like this will place the school board in an awkward position and exemptions will have to be granted to those people who do not want such instructions. Apart from that, there is another objection. There is nothing to prevent religious instruction being given three or four or even seven times a week. It can be given according to the clause that is in the Bill. But suppose at any time a school board may come to the conclusion that religious instruction once a week will be sufficient for the purpose; then they will be compelled to impart it three times a week, although it may not be necessary. Therefore, I suggest that the clause, as it stands, is far more useful and far better than the amendment, as the latter will place the school boards in a very difficult position; whereas under the clause, religious instruction can be given. If the school board are of opinion that such instruction should be given at least three times a week, and there is real demand for it, there is no reason to suppose that it will not be given. On this ground I would request the mover to withdraw his amendment, as I think he is unnecessarily placing a restriction on the discretion of the school board.

Maulvi ABUL KASEM: Sir, I rise to support the amendment. On behalf of Government the Hon'ble Member-in-charge says that the acceptance of the amendment will impose upon the school board the necessity of imparting religious instruction *three* times; but the Bill, as it stands, does impose a duty on the school board to have religious instruction imparted once a week. So, as the compulsion is there—"once a week," I do not see any reason why there can be any objection to have it *twice* or *thrice* a week.

Another argument put forward by the Hon'ble Member-in-charge is that the parents or guardians may not like their boys or wards given religious instruction. But that argument applies equally to once a week as well as to three times a week. Therefore this objection does not seem to me to be sound. It has also been said that if the school board will have ample powers, if necessity arises, to have religious instruction given even seven days in the week, then what is the use of imposing a duty of having it thrice. I say that when you introduce a Bill for compulsion in primary education, it means that you want to

educate the people by compulsion. If that is necessary, then I think it is absolutely necessary that some sort of religious instruction should be given. One hour a week will be neither fruitful nor useful.

On the motion of Maulvi Muhammad Hossain being put and the Hon'ble the President saying, "The Ayes have it," Maulvi Muhammad Hossain claimed a division.

The Hon'ble the President directed the Secretary to have the lobby cleared.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, there seems to be a mistake on the part of the mover in claiming a division. He thought that you had declared it in favour of the other side: but you distinctly said, "The Ayes have it."

Mr. A. J. DASH: I object to the division being called off. I claim a division.

Mr. PRESIDENT: The point is that when a member, it does not matter whether he said "Aye" or "No," claims division, he challenges my opinion formed on the strength of the answering cries of "Aye" and "No." In the present instance the member who claimed the division had cried "Aye" but by challenging my opinion in his favour he ranged himself with the "Noes." His demand for division, therefore, holds good.

Khan Bahadur Maulvi AZIZUL HAQUE: I submit, Sir, that he made a mistake and I immediately informed you of it. The Secretary has of course the right of calling for a division. I do not deny it. I hope, however, you will reconsider the matter as it is a case of mistake. Apparently the mover of an amendment cannot by any stretch of imagination challenge a decision in his favour unless he belongs to a particular institution.

Mr. PRESIDENT: A member of this House ought to have a sufficient sense of responsibility and he must know what he is going to do. When a division has been claimed I shall have to give it.

Mr. A. K. FAZL-UL HUQ: Sir, will you not call it off when you find that there has been a *bona fide* mistake on the part of the member?

Mr. PRESIDENT: There is no such provision in our rules by which I can call off a division.

Maulvi TAMIZUDDIN KHAN: I submit, Sir, there have been occasions when you allowed a division to be called off.

Mr. PRESIDENT: Yes; but, that has been done always with th leave of the House.

A division was then taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ali, Maulvi Syed Nausher.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Barma, Rai Sahib Panchanan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Huq, Khan Sahib Maulvi Bazlul.
Huq, Mr. A. K. Fazl-ul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Shah, Maulvi Abdul Hamid.
Solaiman, Maulvi Muhammad.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Basir Uddin, Maulvi Mohammed.
Clark, Mr. I. A.
Cohan, Mr. D. J.
Cooper, Mr. C. G.
Dash, Mr. A. J.
Sasson, Mr. G. A.
Parequi, the Hon'ble Khan Bahadur K. B. M.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sushil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gurner, Mr. C. W.
Habibullah, Nawab Khwaja.
Haidar, Mr. S. K.
Hogg, Mr. G. P.
Hutchings, Mr. R. H.
Laird, Mr. R. B.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Nelson, Mr. J. W.
Norton, Mr. H. R
Pinnell, Mr. L. G.
Prentice, the Hon'ble Mr. W. D. R.
Samad, Maulvi Abdus.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. J. M.
Smith, Mr. R.
Stapleton, Mr. H. E.
Steen, Lt.-Col. H. S.
Sumner, Mr. C. R.
Stevens, Mr. H. S. E.
Thompson, Mr. W. H.
Twynam, Mr. H. J.

The Ayes being 26 and the Noes 39, the motion was lost.

[At 4-20 p.m. the Council was adjourned for prayers, and it reassembled at 4-30 p.m.]

Mr. PRESIDENT: The question is that clauses 63 and 64 stand part of the Bill.

The motion was put and agreed to.

Clause 65.

The following motions were called but not moved:—

Mr. BIJOY PRASAD SINGH ROY to move that in clause 65 (*1*), line 1, after the words "Local Government" the words "in consultation with the Central Committee" shall be inserted.

Mr. SHANTI SHEKHARESWAR ROY to move that in clause 65 (*1*), line 1, for the word "may" the word "shall" shall be substituted, and in line 2, after the word "publication" the words "and with the concurrence of the Central Primary Education Committee" shall be inserted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that in clause 65 (*1*), lines 1 and 2, after the words "after previous publication" the words "and considering objections, if any" shall be inserted.

Babu SUK LAL NAG to move that in clause 65 (*2*) (*f*), the words "and of their remunerations, if any" shall be omitted.

Rai Bahadur SATISH CHANDRA MUKHARJI to move that clause 65 (*2*) (*r*) shall be omitted.

Mr. S. M. BOSE and Rai Bahadur Dr. HARIDHAN DUTT to move that after clause 65 (*2*) (*z3*), the following shall be inserted, namely:—

"(*z3A*) the time within which an appeal against the decision of the auditor shall be made to the Local Government."

Dr. NARESH CHANDRA SEN GUPTA to move that in clause 65 (*2*) (*z5*), line 3, for the word "Panchayats" the words "Village School Boards" shall be substituted and the words "and the constitution of Village School Boards" shall be added at the end.

Mr. PRESIDENT: The question is that clause 65 stands part of the Bill.

The motion was put and agreed to.

Clause 66.

Mr. PRESIDENT: The question is that clause 66 stands part of the Bill.

The motion was put and agreed to.

Schedule.

Mr. PRESIDENT: The question is that the Schedule stand part of the Bill.

The motion was put and agreed to.

Long Title.

The following motions were called but not moved:—

Mr. SYAMAPROSAD MOOKERJEE and Maulvi ADBUL HAMID SHAH to move, that in the long title for the words "the extension of " the word " free " shall be substituted.

Maulvi ABDUL HAKIM to move that in the long title after the words " extension of " the word " free " be inserted.

Mr. PRESIDENT: The question is that the long title stand part of the Bill.

The motion was put and agreed to.

Preamble.

The following motions were called but not moved:—

Maulvi ABDUL HAMID SHAH and Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur, to move that in the preamble, line 3, for the word " primary " the words " free primary " shall be substituted.

Babu KISHORI MOHAN CHAUDHURI to move that in the preamble, line 3, the words " rural areas " shall be omitted.

Mr. BIJOY PRASAD SINCH ROY to move that in the preamble last line for the word " ten " the word " twenty " shall be substituted.

Maulvi ABDUL HAMID SHAH to move that in the preamble, line 5, for the word " ten " the word " eight " shall be substituted.

Maulvi ABDUL HAKIM: I beg to move that in the first paragraph of the preamble, last line, for the word "ten" the word "seven" be substituted.

Sir, the main reason for this suggestion is that the primary education has been the burning question of the illiterate masses of Bengal. Millions of inarticulate people of our country are looking to this Bill with anxious expectation. The period of seven years is in my opinion sufficient for making primary education compulsory throughout the province of Bengal. I am surprised to note the amendment which stands in the name of Mr. Bijoy Prasad Singh Roy in which he has suggested that primary education should be made compulsory within

twenty years and not within a shorter period. This shows that there is a party, an influential party—of course, who desire that the children of the cultivators of Bengal should not be educated before the day of resurrection. It is the paramount duty of every civilized Government to give education to the citizens of the country as soon as possible. I am really ashamed of mentioning the very low percentage of the literate persons of our country and this unusually low percentage is mainly due to the longstanding negligence on the part of our Government. For hundreds of years the Russian subjects, uncivilized though they were called, groped in the darkness of illiteracy during the despotic rule of their monarch, but as soon as a great change came over to their country————

Mr. PRESIDENT: What have we got to do with that?

Maulvi ABDUL HAKIM: I am merely explaining the matter.

Mr. PRESIDENT: You have moved your motion and you need not go further.

Mr. A. J. DASH: I beg to oppose this amendment. The wording of the clause is "with a view to make it compulsory within ten years" and the mover of the amendment wishes to reduce the period from ten to seven. It will be noticed in the clause that primary education is to be made available to all children, both boys and girls. The Education Department consider that it will not be possible to provide adequate facilities which would justify making it compulsory within seven years for girls. For that reason it is not possible to accept the amendment.

The motion of Maulvi Abdul Hakim was then put and lost.

The following motion was called but not moved:—

Maulvi MUHAMMAD HOSSAIN to move that in the preamble, line 5, for the word "ten" the word "five" shall be substituted.

Mr. PRESIDENT: The question is that the preamble stand part of the Bill.

The motion was put and agreed to.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I beg to move that the Bengal (Rural) Primary Education Bill, 1930, as settled in Council, be passed.

I would like to take this opportunity to offer my thanks to those who drafted the Bill in its present form, particularly Nawab Musharruf Hosain and Mr. J. H. Lindsay, the two gentlemen who settled the main principle underlying this Bill. Sir, the members of this Council,

who have helped to get this Bill enacted into law, will have this satisfaction that they are for the first time solving the problem of primary education in Bengal. They are also establishing firmly the claim of Bengal for provincial autonomy, because this Bill proves that they are prepared to legislate for taxation when they feel that there is a real necessity for this.

With these words, I move my motion for the acceptance of the House.

The motion was then put and agreed to.

Prorogation.

Mr. PRESIDENT: I have it in command from His Excellency the Governor to declare that the Bengal Legislative Council stands prorogued.

B. G. Press—1930-31—[illegible]—1,200.

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